

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION

March 12, 2008

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., March 12, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Ryan Wimmer, Office of Management and Budget, delivered the invocation.

PLEDGE OF ALLEGIANCE

Brian Hushek, Office of Management and Budget, led the assemblage in the Pledge of Allegiance.

1. PET OF THE MONTH

April Hollis made her monthly visit to the Board's Formal Meeting to introduce the pet of the month from Maricopa County Animal Care & Control. She said that Angel, a three-month old, rather shy and timid, hound dog won't get very big and would like to be adopted by a family in need of a loving pet. An unnamed lady in the audience commented that she had adopted two dogs from Animal Care and Control, "and they are the best pets I've ever had" and she urged adoption for this dog. Supervisor Brock announced that the Pet Mobile had loaded some animals to take to the Ostrich Festival and more than three times the usual number of pet adoptions had taken place. Animal Care and Control is moving into its second year of performing no euthanization of any healthy, adoptable animal. All animals are neutered, licensed and given their shots prior to adoption.

CHAIRMAN'S PREROGATIVE

Chairman Kunasek declared his prerogative to insert a special presentation at this meeting to give Supervisor Wilcox her 15 year service pin as an elected official in Maricopa County government. Supervisor Wilcox is the longest sitting member of the current roster of the Board of Supervisors and began her first term when the County was suffering a grave financial crisis.

Totally surprised to receive her pin today, Supervisor Wilcox remembered that her father had told her when she was elected that he thought she would love this job. She added, "He was right, it has been marvelous." She thanked her constituents for allowing her to serve this long.

SUPPLEMENTAL

S-1. PRESENTATION OF THE MERITORIOUS SERVICE AWARD

Item: Presentation of the Meritorious Service Award to Maricopa County for its support of the U.S. Communities Government Purchasing Alliance. The Board of Supervisors will present this Award to the Materials Management Department in recognition of its contribution of staff expertise, advice and dedicated commitment to professional public purchasing. (ADM650-001)

Supervisor Stapley said that the National Association of Counties (NACo) has a program for purchasing supplies that is being used by thousands of counties throughout the U.S.A. Wes Baysinger, Director of

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Maricopa County's Materials Management Department, explained the County's active participation in the U. S. Communities Purchasing Alliance, which is one of the larger cooperative agreement sources used by counties to contract for such things as office supplies, computer equipment, etc. He cited the sponsor agencies that had the vision to put such alliances together; NACo, National Institute of Governmental Purchasing and the League of Cities and Towns, to allow local units of government to leverage their spending to reduce the cost of government. He credited four of his employees who were in the audience and to whom he attributed all the work that resulted in this award: Walt Weglarz, Deputy Director, Materials Management; Andrea Stuka, Procurement Consultant; Charles Hinegardner, Procurement Consultant and Steve Dahle, Strategic Procurement Manager.

S-2. APPOINTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appointment of Laura Pastor to the Transportation Advisory Board representing Supervisorial District 5. The term of the appointment will be effective as of the date of Board approval through August 31, 2009. (C0608078900) (ADM2038-001)

S-3. MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held September 27, 2006.

S-4. AMENDMENT TO IGA FOR JUVENILE DETENTION CENTER EDUCATION PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) for FY08-FY09 and Budget Application for FY08 among the Arizona Supreme Court through the Administrative Office of the Courts (AOC), the Maricopa County Board of Supervisors through the Court Appointed Receiver Board, Maricopa County Regional School District #509, (Court Appointed Receivers), and the Maricopa County Superior Court through the Juvenile Court (Court), for Juvenile Detention Education funding. The effective date shall be the date of the final signatures pursuant to A.R.S. 11-952(G). The allocation of funds for Maricopa County total \$289,509.72. This item is related to similar funding and amended funding agreements for prior fiscal years are referenced in agenda items C0606067200 and C4907059200. This action is contingent upon approval by the Office of Management and Budget and Outside Counsel of the Final Budget Application Documents. Establish the official file number for this action as (C4907059200B).

STATUTORY HEARINGS

Clerk of the Board

2. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Kunasek called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications:

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- a. Application filed by Craighton T. Boates for a Special Event Liquor License: (SELL824) (F23249)
- Business Name: Rotary Club of Anthem
Location: 41703 N. Gavilan Peak Parkway, Anthem, 85086
Date/Time: March 15 and 16, 2008 – 10:00 AM to 8:00 PM
- b. Application filed by Forrest R. Briesch for a Special Event Liquor License: (SELL825) (F23249)
- Business Name: St. Elizabeth Seton Catholic Church
Location: 9728 W. Palmeras Drive, Sun City, 85373
Date/Time: April 12, 2008 – 6:00 PM to 10:00 PM
- c. Application filed by Donald A. Rogers for a Special Event Liquor License: (SELL823) (F23249)
- Business Name: Knights of Columbus
Location: 14818 W. Deer Valley Drive, Sun City West, 85375
Date/Time: April 13, 2008 – 3:00 PM to 7:00 PM
- d. Application filed by Gerald J. Thomsen for a Special Event Liquor License: (SELL822) (F23249)
- Business Name: Knights of Columbus Assembly #1673
Location: 14818 W. Deer Valley Drive, Sun City West, 85375
Date/Time: April 17, 2008 – 11:30 AM to 4:00 PM
- e. Application filed by Suchada Tirakul for a New Series 12 Liquor License: (MCLL6262) (AZ#12077494)
- Business Name: Dara Thai Café
Location: 3655 W. Anthem Way, B127, Anthem, 85086
- f. Application filed by Donald E. Majdecki for a Special Event Liquor License: (SELL826) (F23249)
- Business Name: Knights of Columbus, Sun City, #6612
Location: 15800 Del Webb Boulevard, Sun City, AZ 85351
Date/Time: April 2, 2008, 3:00pm – 6:00pm

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting “aye” and Supervisor Brock voting “nay.”

RECOGNITION OF DAVID SMITH

Supervisor Stapley asked to access the Board's comment time (item # 87) while the audience was still intact, because he felt his announcement was important for employees and the public to be aware of. He said that the National Public Service Awards are presented annually by the American Society for Public Administration and the National Academy of Public Administration, and that Maricopa County Manager,

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David Smith, was honored yesterday for his administrative successes with the highest award given nationally by these organizations. Several years ago Mr. Smith also was honored by Governing Magazine as the Public Official of the Year for the financial turnaround in Maricopa County that occurred in the mid-nineties under his leadership. Supervisor Stapley felt it was important to let the public know that Maricopa County has one of the finest public servants in the nation. He mentioned some of the criteria used to select the top administrator(s), including:

- Come from diverse backgrounds
- Risk takers in achieving change
- Make profound differences to improve service to the public
- Achieve substantial savings in government operations
- Develop a cadre of other government leaders
- Contribute to the communities in which they live.

Supervisor Stapley reported that David Smith has met all of those criteria in a magnificent way in his service to Maricopa County. He congratulated him on the receipt of the prestigious national award.

David Smith responded and thanked Supervisor Stapley reminiscing that they had started working for Maricopa County about 30 days apart 13 years ago and a good partnership had evolved with him and all Board Members over the years. Smith reflected on the luncheon where the award had been presented, saying the National Academy of Administration is composed of around 500 senior management leaders from around the country. He said he had told those present of "the Maricopa County way of doing public service," which is as a team that doesn't just stop with managing problems but is active in making long-range plans and using creative opportunities to generate the best management practices. And to also craft ways to diminish or eliminate some of the public policy problems in the community.

He reported he had shared the County's practice of not euthanizing healthy animals for the past two years; the policies set for dealing with West Nile Virus; what the County is doing with the Arizona Meth Program and crime prevention initiatives, as examples. He said the comments he received after the luncheon revealed that people felt very good about government "raising the bar on itself." He added that he had closed with the thought, "It's not what keeps me up at night about public service, it's what is exciting that continues to get me coming to work in the morning with that sort of enthusiasm and excitement – because of the prospects of doing Maricopa County style government under the Board's leadership."

3. PUBLIC HEARING – SCOTTSDALE COUNTY ISLAND FIRE DISTRICT

Pursuant to A.R.S. §48-851, Chairman Kunasek convened the scheduled public hearing on the formation request for the proposed Scottsdale County Island Fire District, located in the City of Scottsdale municipal planning area. The Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board of Supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district formation request and authorize the persons proposing the district to circulate petitions. The revised map and list of proposed organizing board members are on file in the office of the Clerk of the Board. (C0608059701) (ADM4454)

David Calverley, citizen, said he was instrumental in creating the request for this fire district and gave background that had initiated the need for his request. Prior to establishing the city's fire department, Scottsdale had been serviced by Rural Metro and when this service ended, Rural Metro cut-back on all the services in the City of Scottsdale with the exception of houses in the county islands and these were

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served by the Rural Metro facilities in Paradise Valley. In July 2006, Rural Metro indicated they would no longer serve Paradise Valley, which would switch over to Phoenix services, and this effectively cut-off any service to homes in the Scottsdale area county islands. Mr. Calverley began to make inquiries on alternatives in August 2006 and after the passage of HB 2780 last spring he began to work on forming a "Scottsdale County Island Fire District. Scottsdale agreed to service those homes in the case of a life-threatening event, but there would be a cost to the homeowner. Scottsdale also expressed a willingness to contract with a District to provide coverage. He asked the Board to agree to today's first step in moving toward a district.

No protests having been received and no speakers coming forth at the Chairman's call to protest this action, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the formation request for the Scottsdale County Island Fire District, as given above. Chairman Kunasek thanked Supervisor Stapley for his work in getting House Bill 2780 passed through the legislature.

Transportation

4. PUBLIC HEARING – ROAD FILE DECLARATIONS – ROAD FILE NO. A391

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408129000)

RESOLUTION

ROAD DECLARED: ROAD FILE NO. A391

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Roadway alignments, together with all appurtenant rights, being of varying widths lying within the Northwest quarter of Section 31, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Parcel No. 1

The East 30 feet of GLO lots 1 and 2 of the Northwest Quarter of Section 31, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 2

The West 30 feet of the East half of the Northwest Quarter of Section 31, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 3

The South 40 feet of the Southeast quarter of GLO lot 2 of Section 31, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

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(Said roadway also known as Maddock Road, and 17th Avenue from Maddock Road to Joy Ranch Road, located in Supervisor District 3 and in an unincorporated area).

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 12th day of March 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

PUBLIC HEARING – ROAD FILE DECLARATIONS – ROAD FILE NO. A389

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408131000)

RESOLUTION

ROAD DECLARED: ROAD FILE NO. A389

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WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 60 foot roadway, together with all appurtenances and easements of record, lying within Section 5, T4N, R1W, of the G&SRB&M, Maricopa County, Arizona, said roadway being more particularly described as follows:

Parcel No. 1

The South 30 feet of GLO lots 3 and 4 of Section 5, T4N, R1W, of the G&SRB&M, Maricopa County, Arizona.

Parcel No. 2

The North 30 feet of the South half of the Northwest quarter of Section 5, T4N, R1W, of the G&SRB&M, Maricopa County, Arizona.

(Said roadway also known as Briles Road from Reems Road to 151st Avenue, located in Supervisor District 4 and in an unincorporated area).

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 12th day of March 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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Air Quality

5. PUBLIC HEARING – AIR POLLUTION CONTROL REGULATION RULE 280 – FEES – CONTINUED

Pursuant to A.R.S. §49-479(b), convene the scheduled public hearing to solicit comments on proposed revised Maricopa County Air Pollution Control Regulation Rule 280 (Fees) and on submitting the rule to EPA as a revision to the Title V program. Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations Rule 280 (Fees) and to submit the rule to EPA as a revision to the Title V program. (Proposed Fee Schedule on file in the Office of the Clerk of the Board) (C8508017700) (ADM2354)

Bill Cavness, Environmental Information Association, was present to speak but was not called when the item was continued.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the March 26, 2008, Board meeting.

6. PUBLIC HEARING – AIR POLLUTION CONTROL REGULATION RULE 300 - VISIBLE EMISSIONS

Pursuant to A.R.S. §49-479(b), Chairman Kunasek convened the scheduled public hearing to solicit comments on the proposed revisions to Maricopa County Air Pollution Control Regulations Rule 300-Visible Emissions and to solicit comments on submitting this rule as a revision to the (Arizona) State Implementation Plan (SIP).

Executive Summary – Rule 300

The Maricopa County Air Quality Department (MCAQD) is proposing revisions to Rule 300 to increase compliance with existing rules for the Five Percent Plan for PM₁₀. On June 6, 2007, the Environmental Protection Agency (EPA) finalized its finding that the Phoenix Nonattainment Area did not attain the 24-hour PM₁₀ standard by the deadline mandated in the Clean Air Act (CAA), December 31, 2006. (72 FR 31183, June 6, 2007). Under Section 189(d) of the CAA, serious PM₁₀ nonattainment areas that fail to attain are required to submit within 12 months of the applicable attainment date, "plan revisions which provide for attainment of the PM₁₀ air quality standard and, from the date of such submission until attainment, for an annual reduction in PM₁₀ or PM₁₀ precursor emissions within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for such area." In accordance with the CAA section 179(d)(3), the attainment deadline applicable to an area that misses the serious area attainment date is as soon as practicable. The region needs to submit to a Five Percent Plan for PM₁₀ by December 31, 2007.

The MCAQD reviewed rules from other agencies to increase the consistency of compliance with the existing visible emission standard of 20%. The MCAQD reviewed rules from Clark County, Nevada; South Coast Air Quality Management District, California (SCAQMD); and San Joaquin Unified Air Pollution Control District, California (SJUAPCD) to identify differences between County rules and rules from areas that successfully met the December 31, 2006 attainment date. The MCAQD also reviewed EPA's notice finalizing Method 203 (A), (B), and (C) (71 FR 55119, September 21, 2006). In the summary of that notice EPA states, "The intended effect is to provide States with an expanded array of data reduction procedures for determining compliance with SIP opacity regulations." These areas that successfully met

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the December 31, 2006 attainment date administer rules that utilize a time-exception form of the standard expressed as "... shall not exceed 20% opacity for more than 3 minutes out of any 60 minute period." This form of data reduction for the 20% opacity standard limits the number of excursions over the 20% level of the standard resulting in more consistent compliance with the existing standard.

A Notice Of Final Rulemaking will be distributed per normal procedures once approved.

Johanna Kuspert, Rulewriter in Air Quality Department, said that Rule 300 changes the way emissions are read by using a more consistent method of determining compliance when reading opacity, or visible emissions. The method, Aggregating, is used by six other western states in reading opacity. Supervisor Stapley agreed with the change and added that it satisfies EPA regulations.

Kate Graf, Geomatrix, spoke to request a delay before approval. Geomatrix does not believe there is reasonable justification for the increased stringency the new rule proposes and that it is "based on the assumption that there is a correlation between opacity and PM-10 emissions and that Maricopa County has not satisfied the requirement to provide the documentation to support that assessment." She asserted that the PM-10 emissions in Arizona are primarily created by vehicle emissions and agricultural dust and not the industrial emissions that would be targeted by this rule change. She said the increased stringency would put additional burdens on point sources that are already heavily regulated in the County and would increase the enforcement cases brought against those sources, causing monetary burdens on sources that are not currently burdened with penalties and fines. She asked that approval be deferred until further investigation can be completed and additional information be provided to support justification for the proposed changes to the rule.

Chairman Kunasek noted that fines weren't the goal so much as attaining clean air and responding to the EPA threatened sanctions against the County if clean air is not restored.

Staff responded that the rule is about how opacity is read. Bob Kard, Director of Air Quality, noted that some companies respond to seeing an inspector testing emissions by shutting down so that the high emissions, when averaged with zero emissions, enable them to pass the test even though their emissions have continuously been in excess. Without naming specific targets, he said this has been a consistent practice over the past 40 years throughout the western states. He referenced different practices in different parts of the world and said in Maricopa County when a violation is documented enforcement action is required. He said these changes to the rule will help the inspectors avoid people "gaming" the system. The change to taking readings over an hour's time would promote consistent compliance in the Western USA as well as in the County. Compliance usually means making needed repairs or system maintenance. He said this rule is highly supportable, legally defensible and a necessary improvement. Companies who take the necessary steps to comply would not have a problem with this rule. He added his belief in a correlation between visible emissions vs. not having any emissions as having an obvious impact on air quality – or there wouldn't be rules addressing opacity. There is an appeals process in place when violations are issued.

Motion was made by Supervisor Wilson and seconded by Supervisor Stapley to adopt proposed revisions to Maricopa County Air Pollution Control Regulations Rule 300 and to submit the revised rule as a revision to the (Arizona) State Implementation Plan (SIP). (Proposed Rule 300 on file in the Office of the Clerk of the Board) (C850801870) (ADM2354)

Comments made by Supervisors reflected the need to comply with the EPA standards as they are currently set, although the belief was expressed that Washington needs to better understand the differences between eastern and western areas of the country when setting these standards. Mr. Kard

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agreed to provide a bi-annual report on the companies reported as non-compliant, as requested by the Board.

Motion carried unanimously (5-0).

7. PUBLIC HEARING – AIR POLLUTION CONTROL REGULATION RULE 314 - OPEN OUTDOOR FIRES AND INDOOR FIREPLACES AT COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS

Pursuant to A.R.S. §49-479(b), Chairman Kunasek convened the scheduled public hearing to solicit comments on the proposed revisions to the following Maricopa County Air Pollution Control Regulation: Rule 314, Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments, and to solicit comments on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP).

EXECUTIVE SUMMARY – Rule 314

The proposed, amended Rule 314 will prohibit certain types of open outdoor burning in Maricopa County except the types of open outdoor burning that are listed in Sections 302,303,304, 305 of this Rule 314 and Appendix to Rule 314. The proposed, amended Rule 314 will also limit certain types of open burning during Restricted - Burn Periods in Maricopa County and will further prohibit some types of open burning during the period from May 1 to September 30 of each year during the ozone season. The proposed, amended rule will also prohibit all indoor burning using fireplaces in commercial, non- residential establishments, such as hotels and restaurants, during Restricted- Burn Periods, with the exception of those that use gaseous fuels. This will reduce the emissions of air contaminants such as particulate matter, nitrogen oxides (NOx) and volatile organic carbon (VOC), by limiting certain types of open burning in non-residential sources during these times of the year.

A final version of the Notice of Final Rulemaking will be distributed per normal procedures once the amended rule is approved by the Board of Supervisors.

Johanna Kuspert referenced information contained in the Executive Summary to explain this rule change. She said that the ban on fireplace burning on bad-air days has been extended to hotels and restaurants, who were actively involved in the change process, adding that the rule does not affect outdoor cooking.

Chairman Kunasek said this is an indicator of the four-million plus population base here and said every fire or activity has an impact and the cumulative effect has to be recognized and dealt with at some point.

Amanda McGinnis, Associated General Contractors, said they had concern with the portion of this rule dealing with the elimination of an air curtain burner destructor, used on their construction project sites because they feel burning is a very effective way of trash elimination when compared with putting more vehicles on the road to haul it away.

Johanna Kuspert said that air curtain destructors burn debris in the open, which is being prohibited in this rule as is other open burning on bad-air days. Bob Kard said that when construction project materials are burned, yes, it's cleaner than piling it up, but it does add to the PM-10 and PM-5 problems being experienced. He added there is a nuisance factor to also consider in that recently the Mayo Clinic in Scottsdale was smoked out by one of these burns. He said if you compare the amount of materials one of these destructors burns in volume of materials to that burned by a restaurant on no-burn days, the rule change makes sense in terms of public health benefits, and destructor burns are "ramping up" on construction sites.

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Supervisor Stapley clarified that for hotel/restaurant use, etc., outdoor burn restrictions only apply on no-burn days but the air curtain burner destructor burns were prohibited all of the time.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rule 314 and to submit the revised rule as a revision to the (Arizona) State Implementation Plan (SIP). (Proposed Rule 314 on file in the Office of the Clerk of the Board) (C8508019700) (ADM2354)

8. PUBLIC HEARING – AIR POLLUTION CONTROL REGULATION RULE 316 - NONMETALLIC MINERAL PROCESSING

Pursuant to A.R.S. §49-479(b), Chairman Kunasek convened the scheduled public hearing to solicit comments on the proposed revisions to Maricopa County Air Pollution Control Regulations Rule 316-Nonmetallic Mineral Processing and to solicit comments on submitting Rule 316 as a revision to the (Arizona) State Implementation Plan (SIP).

Executive Summary

Maricopa County adopted Rule 316 in July 1993 and revised Rule 316 in April 1999, in order to make the existing standards consistent with revisions to the Standards Of Performance For Nonmetallic Mineral Processing Plants (40 Code Of Federal Regulations (CFR) Part 60 Subpart OOO). In July 2002, the Environmental Protection Agency (EPA) granted Arizona's request to extend the Clean Air Act deadline for attainment of the annual and 24-hour PM₁₀ standards from 2001 to 2006. With this deadline extension, Arizona was required to submit to the EPA a revised PM₁₀ State Implementation Plan (SIP), which was to include control strategies that meet the best available control measures (BACM) test and the most stringent measures (MSM) test for significant sources and source categories. Maricopa County revised Rule 316 in June 2005 to address BACM and MSM. However, the EPA has advised Maricopa County that Rule 316 has not included all BACM and MSM for nonmetallic mineral mining sources. The EPA noted that Maricopa County had not included a requirement that sources maintain a minimum moisture content on crushing and screening operations and monitor the moisture content for compliance citing Clark County, Nevada Section 34.

The Maricopa County Air Quality Department (MCAQD) is proposing revisions to Rule 316 to correct section references - to link required control measures to applicable performance standards or test methods - to improve the rule's clarity and regulatory uniformity among related rules in the Maricopa County Air Pollution Control Regulations, and to include a requirement that sources maintain a minimum moisture content on crushing and screening operations and monitor the moisture content for compliance. Also, the MCAQD is proposing revisions to Rule 316 to comply with commitments made in the Five Percent Plan for PM₁₀. Since the region did not attain the PM₁₀ standard by December 31, 2006, the region needs to submit to the EPA a Five Percent Plan for PM₁₀ by December 31, 2007. The Five Percent Plan for PM₁₀ must demonstrate 5% reductions per year in emissions from the date of submission to the EPA.

A Notice Of Final Rulemaking will be distributed per normal procedures once approved.

Ms. Kuspert said this rule clarifies stabilization requirements for open non-metallic mineral processing in areas when no activity is occurring as explained in the Executive Summary below.

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Dan Brendan, County Attorney's Office, said there are two new amendments to this rule and they comply with statute and are minor changes. One eliminates some language not now considered necessary. The second refers to rumble grate changes adding the rule only applies only when the grates are new, moved or modified.

Rusty Bower, Arizona Rock Products, spoke on a compliancy issue his company has with the rumble grate specifications.

He said an outstanding issue the industry has with Air Quality rules is that when an inspector is on site a regulation is imposed without opportunity to make corrections and there is an immediate penalty. He feels that they have maximized their attempt to comply with the regulations and questions whether anyone anywhere does more for reduction of dust. He added that they are paying the price to assist in the air quality situation and will continue to oppose punitive and counter productive enforcement.

He also addressed the methods and requirements for moisture content sampling, stressing the amount of time, danger and expense it would take to comply, and suggested an alternative plan with fewer opportunities to document moisture non-compliance with the varying heat and weather conditions in the Valley at different times of the year. Discussion ensued between Mr. Bower, department experts and Board Members on the issues Mr. Bower introduced and suggested solutions.

Motion was made by Supervisor Wilcox and seconded by Supervisor Wilson to adopt proposed revisions to Maricopa County Air Pollution Control Regulations Rule 316, as amended, and to submit the revised rule as a revision to the (Arizona) State Implementation Plan (SIP). (C8508020700) (ADM2354)

Several Supervisors spoke to stipulate that the code changes were made universally and did not target any one or any particular type of operation, and certainly not AZ Rock Products who is recognized as being committed to making their operation as compliant as possible. However, air and atmosphere are not confined to an area and the County suffers greatly from operations outside of Maricopa County's jurisdiction who have no regulations and whose products do contaminate the quality of air in the Valley. There is currently no way to enforce responsibility on companies outside the jurisdiction of the County and consequently Maricopa County is held responsible by the EPA and sanctions and fines are imposed. It was felt that the Board must make every effort to use taxpayer monies wisely and preferably not in paying fines to satisfy sanctions if the cause can be addressed through code.

Motion unanimously carried (5-0).

Public Health

9. PUBLIC HEARING – ADULT IMMUNIZATION FOREIGN VARIABLE FEES SCHEDULE

Pursuant to A.R.S. §11-251.08, Chairman Kunasek convened the scheduled public hearing to authorize and approve the Department of Public Health to use a variable fee schedule with the ability to increase fees for any cost increase in vaccine cost for the Maricopa County Public Health Adult Immunization Foreign Travel.

The proposed variable fee schedule will be attributable to and defray or cover the expense of the product or service for which the fee will be assessed. No fee will exceed the actual cost of the product or service provided.

Use of the variable fee schedule will be based on the following Board of Health recommendation.

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If the individual vaccine cost increases above 30% of the established actual vaccine cost, as of January 31, 2008, plus the fixed administration cost of \$41.10, Public Health will seek Board approval through the public hearing process, pursuant to A.R.S. §11-251.08.

The Variable Fee Schedule will be as follows: \$41.10 plus listed vaccine cost. Vaccine cost is established by County contracted vendors through established procurement procedures. The variable fee schedule will be effective upon Board approval. (C8608058M00) (ADM2151)

**Variable Fee Schedule for
Maricopa County Public Health Adult Immunization Foreign Travel**

Vaccine	Vaccine Cost	Vaccine Cost at 30% increase limit
Hepatitis A Adult	58.58	76.15
Hepatitis B Adult	50.61	65.79
Hep A and B combo (18 yrs or older)	84.48	109.82
Influenza vaccine (Travelers only)	13.00	16.90
Meningitis vaccine/Menactra or Menomune	90.41	117.53
MMR (Measles, Mumps & Rubella)	43.99	57.19
Pneumococcal vaccine	24.82	32.27
Polio Injectable (IPV)	26.34	34.24
Rabies IM vaccine (pre-exposure)	146.65	190.65
Rabies IM vaccine (post-exposure)	146.65	190.65
TB skin test with Health Card	1.00	1.30
Tetanus Diphtheria (TDAP)	34.61	44.99
Typhoid (Typhium VI)	44.23	57.50
Varicella vaccine (Chicken Pox)	73.14	95.08
Yellow Fever Vaccine	70.09	91.12

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this variable fee schedule as given above.

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS
Clerk of the Board

10. EXCEPTION TO THE MARICOPA COUNTY COMPENSATION PLAN SECTION IV.A. SALARY ADVANCEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an exception to the Maricopa County Compensation Plan Section IV.A. Salary Advancement to allow the salary advancement to be effective retroactively to July 2, 2007 for Stefanie Murphy, Management Analyst, in the Office of the Clerk of the Board of Supervisors as a result of a Market Range

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Study. The estimated cost associated with the approval of this retroactive salary advancement request is \$3,164; annualized, the impact will be: \$4,719. The full amount will be funded within the department's current budget. The original placement of this position in the market study review was appealed and the proper market range has now been established. This retroactive request is to keep this position in line with other market range adjustments within the department. (C0608073800) (ADM3308-001)

Sheriff

11. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF COMPUTERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to proceed with the purchase of four laptop and four desktop computers through the Homeland Security – Urban Area Security Initiative Grant. The estimated cost of these computers is \$22,286.52. The Sheriff's Office FY 2007-08 indirect costs rate is 11.7%. The unrecoverable indirect costs associated with this purchase are estimated to be \$2,607.52.

The Sheriff's Office was awarded funding from the U.S. Department of Homeland Security, Urban Areas Security Initiative (UASI) passed through the Arizona Department of Emergency Management (ADEM) via the City of Phoenix, which was approved by the Board on October 4, 2006 (C50075223). This authorization is required to complete the one-time purchase of these computers within the grant period. These laptop computers will be tracked separately from the Sheriff's Office computers that are included in the TFP with no automatic replacement from the general fund when they are no longer useful. (C5007522304) (ADM1831)

12. WAIVER TO THE MARICOPA COUNTY EMPLOYEE LEAVE PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Waiver to the Maricopa County Employee Leave Plan V & VI, for Detective Kevin Watkins, S091, who was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while on duty July 9, 1994. The Industrial Injury case has been re-opened due to additional problems. Allow the payment of normal base salary and benefits to the employee for the duration of up to one year or return to full duty, whichever is earlier, effective February 20, 2008. Any workers' compensation to this employee will be returned. (C5008040M00) (ADM3320-001)

Treasurer

13. COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Pursuant to A.R.S. §11-501, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the Treasurer's Statement of Collections and Investment summary reports for January 2008, as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C4308015700) (ADM4006)

TRIAL COURTS

Superior Court Judges and Commissioners

14. TRANSFER EXPENDITURE APPROPRIATION FOR ADDITIONAL ONE-TIME EXPENDITURES

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Pursuant to A.R.S. §42-17106, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to transfer expenditure appropriation in the amount of \$207,000 from Non-Departmental (471) Non-Departmental Grant Fund (Fund 249) reserved contingency for Potential Fee Increases to the Superior Court (800) Judicial Enhancement Fund (Fund 208). Approval of this action will increase the expenditure level from \$433,277 to \$640,277 to accommodate additional one-time expenditures. (C3808011300) (ADM1001-003)

COUNTY MANAGER
Office of the County Manager

15. ADMINISTRATIVE CORRECTION TO THE APPLICATION AND ACCEPTANCE IN PASS-THROUGH TRIBAL GAMING FUNDS FROM THE FORT MCDOWELL YAVAPAI NATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an Administrative Correction to the action taken on June 20, 2007 (C2007099000) which authorized the application and acceptance of not-to-exceed \$55,000 in pass-through tribal gaming funds from the Fort McDowell Yavapai Nation by Maricopa County for the Florence Crittenton Youth Academy. This correction will add the authorization to execute an Intergovernmental Agreement between the Fort McDowell Yavapai Nation and Maricopa County as the acceptance document for \$5,000 for the Crittenton Youth Academy for FY 2007-08 and retained in file. (C2007099000) (C2007099001)

16. ACCEPTANCE OF GRANT FUNDS FOR REIMBURSEMENT OF BULLETPROOF VESTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve acceptance of Bulletproof Vest Partnership grant funding from the Federal Bureau of Justice Assistance (BJA) in the amount of \$53,908.06. Funds will be used to reimburse costs for bulletproof vests for the Maricopa County Sheriff's Office and Maricopa County Juvenile Probation Department. The Maricopa County Sheriff's Office will receive \$36,118.43 towards 277 vests. The Maricopa County Juvenile Probation Department will receive \$17,789.63 towards 134 vests. The term of the grant is from April 1, 2007 to September 30, 2011.

Also approve revenue and expenditure appropriation increase adjustments of \$36,118.43 for FY 2007-08 to the Maricopa County Sheriff's Office (501) Grants Fund (251) and \$17,789.63 for FY 2007-08 to the Maricopa County Juvenile Probation Department (271) Grants Fund (227). Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The grantor does not allow for indirect cost recovery. The total unrecoverable indirect amount is \$11,110.45. The Sheriff Department indirect rate is 11.7% and they will not recover \$4,225.86. The Juvenile Probation Department indirect rate is 38.7% and they will not recover \$6,884.59. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2008041300)

DEPUTY COUNTY MANAGER
Correctional Health

17. AMENDMENT TO IGA WITH PIMA COUNTY FOR PIMA COUNTY RESTORATION TO COMPETENCY PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to Intergovernmental Agreement (IGA) C2607007203, between Pima County and Maricopa County Department of Correctional Health Services (CHS) for establishing and operating a Pima County Restoration to Competency program in Tucson, AZ. This amendment changes:

- The termination date from June 30, 2008 to December 31, 2007;
- The billing charge for services of Maricopa staff identified in Exhibit B-2 to \$23,359.21 per month effective, September 1, 2007;
- The billing rate for Maricopa County Ad Hoc Staff identified in Exhibit B-1 to \$84.00 per hour Exhibit B Pricing Schedule to read as follows:
- Effective September 1, 2007 Maricopa shall bill Pima according to the following:
- The staffing model replaces Lindy Funkhouser as Project Manager (Maricopa) with Kate Lawson as Program Manager (Pima). Billable costs reflect replacement of a Maricopa Project Manager with a Pima Program Manager effective September 1, 2007.

The acceptance and approval of this amendment No. 2 to the IGA with Pima County allows for revenue and expenditure appropriation adjustment to reduce Correctional Health Services (260) Correctional Health Services General Fund (100) associated with the aforementioned IGA in the amount of \$340,000 in FY 2008. (C2607007203) (C2607007203)

Management and Budget

18. CAPITAL PURCHASING FREEZE

Motion was made by Supervisor Stapley and seconded by Supervisor Wilcox to approve immediate implementation of a Capital Purchasing Freeze to be implemented in all judicial branch, elected and appointed departments according to the document entitled, "FY 2007-08 Capital Purchasing Freeze Process". Through January, State Shared Sales Tax, Vehicle License Tax and Jail Excise Tax revenues are \$14.8 million under budget. Mid-year reductions in administrative expenditures offset \$3.2 million of the revenue shortfall and a hiring freeze is in effect allowing critical review of vacant positions. A capital purchasing freeze is recommended in order to focus county spending on critical and necessary items. The "FY 2007-08 Capital Purchasing Freeze Process" will allow for exceptions when if the purchase affects the health or safety of Maricopa County citizens, or is deemed necessary. (C4908029600) (ADM1833)

Supervisor Wilcox addressed questions raised by the County Attorney's Office on whether the Board had authority to impose such a freeze on elected officials. She said staff consulted with Tim Casey, the appointed attorney in this matter, and learned that this may be moved forward. She said concerns had been expressed about the Board micro-managing departments.

David Smith responded that the County is being subjected to a revenue shortfall and this starts a necessary budget process where the Supervisors exercise their authority as overseers of the budget process to take such action. This generally is done for a specified time during the year from January until

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the final budget in June. However, the Board's responsibility to assure a balanced budget has no time boundaries. This has been affirmed in cases, up to the Supreme Court, and this action is taken to consider this as a policy under that authority. He said it is similar to the hiring freeze the County is currently undergoing. He admitted that "no one in the County likes this" but it is driven by the economy and is narrowly crafted to achieve a Board purpose. It is not to micro-manage any department but simply addresses the Board's authority to manage the budget to a balanced status in finishing this fiscal year.

Chairman Kunasek said that ultimately the Board of Supervisors is responsible for the fiscal state of Maricopa County and has both a legal obligation and a compact with the populace to manage these affairs in a prudent and responsible manner. He said it is definitely not the intention of the Board to micro-manage any department.

Supervisor Wilcox agreed and said that in her 15 years as Supervisor there have been a number of fiscal issues to deal with. The County is in such good fiscal shape because of the policies that have been enacted. A fine line has to be walked some of the time, but the hard decisions have made us "a lot better off than most other governments today."

Motion unanimously carried (5-0).

FY 2007-08 Capital Purchasing Freeze Process

All procurements, including those made with the P-Card or any other procurement mechanism, that meet any of the following will be subject to a freeze:

- Non-Capital Equipment (Object Code 804)
- Furniture (All applicable Object Codes)
- Computers, peripherals and other like items (Not covered under the Technology Finance Program) (All applicable Object Codes)
- Capital Equipment not purchased as part of an approved Major Maintenance or Capital Improvement Project (All applicable Object Codes)

This freeze applies to all funds and will be in effect until the end of the fiscal year.

There will be NO EXEMPTION PROCESS. However, if a purchase affects the health or safety of Maricopa County citizens, or is deemed necessary, the elected office, department or agency will contact the Office of Management and Budget (OMB). In collaboration with the requesting elected office, department or agency, OMB will make a determination whether the purchase is appropriate. If OMB and the elected office, department or agency are in disagreement, the elected office, department or agency may appeal the decision to the County Manager. If still unresolved, the elected office, department or agency may bring the item to the Board of Supervisors on an agenda.

Office of Enterprise Technology

19. TECHNICAL CORRECTION FOR INFRASTRUCTURE REPLACEMENT PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a technical correction to the action taken on April 18, 2007, Agenda Number C4107012100 regarding upgrade to the network infrastructure in the Downtown Campus and Clustered Data Centers. This correction replaces the following language: "direct the Office of Management and Budget to budget additional cabling and accessories using Telecommunications Fund Balance beginning in FY 08," with

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"Transfer expenditure authority of \$2,000,000 from the Non-Departmental (470) Grants Fund (249) to the Office of Enterprise Technology (410) Telecommunications Fund (681) in FY 08.

In addition to the above correction also approve the following two actions:

- o An expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Grants Fund (249) by \$2,000,000 and increasing the FY 2007-08 Office of Enterprise Technology (410) Telecommunications Fund (681) by \$2,000,000. This is a one-time adjustment that will use fund balance to pay for cables and accessories necessary for the Infrastructure Replacement project, FY 2007-08 costs not to exceed \$2,000,000. The adjustment will result in a countywide net impact of zero. Transferring expenditure authority between two funds is in accordance to A.R.S. §42-17106(B).
- o Direct the Office of Management and Budget to add a new project in the Chart of Accounts titled Infrastructure Replacement (INFR) so that costs associated with the project can be tracked and reported under a unique function and code. (C4108006M00) (ADM2700-003)

20. PURCHASE OF EQUIPMENT AND INSTALLATION OF UNINTERRUPTED POWER SOURCE EMERGENCY POWER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of equipment and installation of Uninterrupted Power Source (UPS) emergency power for the Maricopa County Administration Building.

Pursuant to A.R.S. §42-17106(B), approve a transfer of expenditure authority from Appropriated Fund Balance (480) General Fund (100) Technology Reserve (4811) to Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) in a new line item entitled "Data Center Power Plan" in the amount of \$2,050,000. This action requires an expenditure appropriation adjustment decreasing the FY 2007-08 Appropriated Fund Balance (480) General Fund (100) Technology Reserve (4811) expenditure budget by \$2,050,000 and increasing the FY 2007-08 Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) by \$2,050,000. This action will fund the replacement of two independent, undersized emergency power sources that have outlived their useful life (over 15 years) as the data center backup power source. (C4108008000)

Public Health

21. NOTICE OF GRANT AWARD FROM THE HEALTH RESOURCES AND SERVICES ADMINISTRATION TO SOUTH PHOENIX HEALTHY START PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Notice of Grant Award from the Health Resources and Services Administration (HRSA) to the Department of Public Health's South Phoenix Healthy Start Program in the amount of \$400,000 for the budget period February 1, 2008 through January 31, 2009.

The Department of Public Health's indirect rate for FY 2007-08 is 18%. HRSA allows for only 10% indirect costs for this grant. Full indirect costs are estimated at \$65,454 of which \$36,363 is recoverable and \$29,090 is unrecoverable.

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Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$0 for fiscal year 2008 and \$233,333 for FY 2008-09. The appropriation adjustment is not necessary in FY 2007-08 because these funds were included in the FY 2007-08 adopted budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by the Grant from HRSA and will not increase the County general fund budget. (C8602165214)

22. ADMINISTRATIVE CORRECTION TO IGA WITH DES FOR REFUGEE SCREENING MEDICAL ASSISTANCE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an administrative correction to agenda item C8604064206, Intergovernmental Agreement (IGA) No. C86040642, Department of Economic Security (DES) Contract Number E6305001 for the Department of Public Health's Refugee Screening Medical Assistance Program, approved by the Board on February 6, 2008. This correction changes the notation, "Approve Amendment No. 5" to "Approve budget appropriation increase". All other terms and conditions of this agreement remain unchanged. (C8604064207)

23. AMENDMENT TO CONTRACT FOR SERVICES WITH ARIZONA STATE UNIVERSITY – COMMUNITY HEALTH SERVICES CLINIC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 6 to the Contract for Services (C86060231) from Maricopa County Department of Public Health (MCDPH) to the Arizona Board of Regents d.b.a. Arizona State University – Community Health Services Clinic to provide Well Woman Healthcheck services to uninsured or underinsured women. This amendment increases the contract dollar amount by \$40,000. Total funding for the contract term ending June 30, 2008, will increase to an amount not-to-exceed \$140,000. This amendment also adds section 2.0 Payment, 2.3, "Combined total of all subcontracts shall not surpass the not-to-exceed amount of the IGA between Maricopa County Department of Public Health and Arizona Department of Health Services, No. HG761266 in the amount of \$580,000, for the Well Woman Healthcheck Program." All other terms and conditions of the original Contract shall remain in full force and effect.

This agreement is a subcontract to IGA (HG761266) between MCDPH and the Arizona Department of Health Services (ADHS), and does not increase the County general fund. Reimbursement to subcontractors is on a per enrollee basis at a rate established by ADHS. Arizona Board of Regents d.b.a. Arizona State University – Community Health Services Clinic was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on June 10, 2005 (PH ROQ 05-008). (C8606023106)

24. AMENDMENT TO CONTRACT WITH CATHOLIC HEALTHCARE WEST D.B.A. ST. JOSEPH'S HOSPITAL AND MEDICAL CENTER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 6 to Contract No. C86060281 between the Maricopa County Department of Public Health (MCDPH) and Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center to provide Well Woman Healthcheck services. This amendment increases the contract dollar amount by

\$40,000. Total funding for the contract term ending June 30, 2008 will increase to an amount not-to-exceed \$100,000. This amendment also adds section 2.0 Payment, 2.3, "Combined total of all subcontracts shall not surpass the not to exceed amount of the IGA between Maricopa County Department of Public Health and Arizona Department of Health Services, No. HG761266 in the amount of \$580,000, for the Well Woman Healthcheck Program." All other terms and conditions of the original Contract shall remain in full force and effect.

This agreement is a subcontract to the Intergovernmental Agreement (HG761266) between MCDPH and the Arizona Department of Health Services (ADHS), and does not increase the County general fund. Reimbursement to subcontractors are on a per client enrollee basis at a rate established by ADHS. Arizona Board of Regents d.b.a. Arizona State University – Community Health Services Clinic was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on June 10, 2005 (PH ROQ 05-008). (C8606028106)

25. AMENDMENT TO CONTRACT WITH MOUNTAIN PARK HEALTH CENTER, INC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 10 to Contract No. C86070041 between the Maricopa County Department of Public Health (MCDPH) and Mountain Park Health Center, Inc. to provide Well Woman Healthcheck services. This amendment increases the contract dollar amount by \$75,000. Total funding for the contract term ending June 30, 2008, will increase to an amount not-to-exceed \$120,000. This amendment also adds section 2.0 Payment, 2.3, "Combined total of all subcontracts shall not surpass the not-to-exceed amount of the IGA between Maricopa County Department of Public Health and Arizona Department of Health Services, No. HG761266 in the amount of \$580,000, for the Well Woman Healthcheck Program." All other terms and conditions of the original Contract shall remain in full force and effect. This agreement is a subcontract to Intergovernmental Agreement (HG761266) between MCDPH and the Arizona Department of Health Services, and does not increase the County general fund. Reimbursement to subcontractors is on a per enrollee basis at a rate established by ADHS. (C8607004107)

26. AMENDMENTS FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following:

- a. Amendment No. 2 to Intergovernmental Agreement (IGA) No. C86074242 with the Pendergast School District to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Amendment No. 2 will increase contract amount by \$2,000 for budget term July 1, 2007 through May 1, 2008 (from \$40,000 to a new not-to-exceed aggregate amount of \$42,000). This amendment is effective upon execution by both parties. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607424202)
- b. Amendment No. 3 to Intergovernmental Agreement (IGA) No. C86074492 with the Washington School District to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Amendment No. 3 will increase contract amount by \$2,000 for the budget term July 1, 2007 through May 1, 2008 (from \$79,000 to a new not-to-exceed aggregate amount of \$81,000). This amendment is effective upon execution by both parties. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607449203)

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27. IGA WITH THE AVONDALE FIRE DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) by and between the City of Avondale by and through the Avondale Fire Department (Avondale Fire) and Department of Public Health's Community Health Nursing Program (CHN). This IGA will provide Avondale Fire with funds that will be used to administer mandatory immunization to school aged children. The amount of this agreement is not-to-exceed \$225,000 over the period of three years. The term of this agreement is valid upon Board approval through February 31, 2011. Funding for this IGA is provided by a grant from Arizona Department Health Services, and will not affect the County general fund. (C8608045200)

28. AFFILIATION AGREEMENT FOR CLINICAL NUTRITION TRAINING EXPERIENCE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Affiliation Agreement between Scottsdale Healthcare and the Department of Public Health to provide clinical nutrition training experience for graduate students in the dietetic internship at the Department of Public Health Office of Nutrition Services. The agreement is non-financial, and the term is from January 1, 2008 through December 31, 2009. (C8608061000)

29. IGA FOR GRANT FUNDING FOR THE TUBERCULOSIS CONTROL PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Intergovernmental Agreement (IGA) No. HG852310 between the Arizona Department of Health Services (ADHS) and the Department of Public Health to provide grant funding for the Tuberculosis Control Program. The term for this IGA is January 1, 2008 through December 31, 2012. This IGA is budgeted in the amount of \$280,845 for the budget period of January 1, 2008 through December 31, 2008. The Department of Public Health's FY 2007-08 indirect rate is 18%. This grant allows for the full indirect estimated at \$42,841, all of which is recoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$34,418 for FY 2007-08 and \$140,423 for FY 2008-09. The appropriation adjustment is necessary because these funds are not included in the FY 2007-08 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105 Funding for this agreement is provided by the Grant from ADHS and will not increase the County general fund budget. (C8608062200)

Workforce Management and Development

30. SETTLEMENT AGREEMENT WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

Item: Approve a non-monetary settlement agreement between American Federation of State, County and Municipal Employees (AFSCME) and Maricopa County Board of Supervisors regarding Complaint AFSCME v. Maricopa County Board of Supervisors, et al, CV 06-2128 PHX-SMM. On September 6, 2006, (AFSCME) filed a Complaint in federal district court based on the Board's decision to cease wage withholding for union and association dues, and on the County's administration of its solicitation and

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posting policies. The parties have now resolved the dues withholding issue and are memorializing their mutual understanding in a non-monetary settlement agreement. Once this agreement has been fully executed, the parties will move to dismiss the case with prejudice. This item was discussed in Executive Session on January 14, 2008 and March 10, 2008. This item was continued from the February 20, 2008 meeting. (C3108010000) (ADM409)

Michael Tarrats, AFSCME 3190, said the organization is agreeable to today's agreement regarding association dues and he has signed off on it. The solicitation portion of the lawsuit is still not agreed to and he felt meetings should be held to further discuss solicitation and ways the association can help the County.

Supervisor asked about approving this "with prejudice" and asked the Board attorney to comment.

Ms. Mangiapane said that typically a dismissal of a case with prejudice means that you cannot bring that claim again and is a total settlement of an issue.

Supervisor Wilcox suggested that a meeting could still be set even though this vote is a final determination.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a non-monetary settlement agreement between American Federation of State, County and Municipal Employees (AFSCME) and Maricopa County Board of Supervisors.

~ Supervisor Wilcox left the meeting and would not return ~

**ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION
Community Development**

31. REDISTRIBUTION OF FUNDS FROM CDBG PROJECT BUCKEYE WATER IMPROVEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to confirm the action taken on February 20, 2008 (C1707003201) where the Board approved the redistribution of \$85,031.19 from CDBG project DG0601, Buckeye Water Improvements, to CDBG project DG0701, Buckeye Water Improvements. CDBG Project DG0601 was originally approved at \$300,000 on May 3, 2006, under Agenda Item C17070022ZZ (C1707003200). CDBG Project DG0701 was originally approved at \$332,532 on May 2, 2007, under Agenda Item C17070022ZZ (C1708003200). The revised total for Project DG0601 would be \$214,968 and the revised total for Project DG0701 would be \$417,563. (C1708003201)

Human Services

**32. APPLICATION FOR RECERTIFICATION OF THE MARICOPA COUNTY LOCAL
WORKFORCE INVESTMENT BOARD**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the application for recertification of the Maricopa County Local Workforce Investment Board (LWIB) as required in Section 117 (c)(2) of Title IB of the Workforce Investment Act (the Act) of 1998. The (Act) requires re-certification every two years by the Arizona Governor, in accordance with criteria established in that section of the Act and with State policy. (C2208136M00) (ADM2512)

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33. ADMINISTRATIVE CORRECTION TO APPLICATIONS FOR GRANT FUNDING FOR THE SPECIAL TRANSPORTATION SERVICES PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Administrative Correction to action taken on February 21, 2007 (C22080053ZZ) at which the Board authorized the Human Services Department to submit 29 applications for grant funding for the Special Transportation Services Program for a not-to-exceed \$5,759,000 for FY 2007-08. This correction will authorize replacing previously assigned numbers to the contracts approved under Agenda Item C22080053ZZ with a new series of Agenda Central numbers as described below in order to establish new numbers for each of the 29 STS grant applications authorized under C22080053ZZ. This Administrative Correction is solely to correct the numbering error for these STS grant contracts. (C22081503ZZ)

Former ZZ Action Associated with	Former ZZ Action and Contract Number	New ZZ Action and Contract Numbers	Contract Name / Description
N/A	C 22 08 005 3 ZZ BOS approved 2/21/2007	C 22 08 150 3 ZZ	
C 22 08 001 3 ZZ	C 22 08 006 3 00	C 22 08 151 3 00	City of Phoenix - FTA Capitol Improvement Funding
C 22 08 001 3 ZZ	C 22 08 007 3 00	C 22 08 152 3 00	City of Tolleson STS Funding
C 22 08 001 3 ZZ	C 22 08 008 3 00	C 22 08 153 3 00	City of Chandler - United Way STS Funding (Expend)
C 22 08 001 3 ZZ	C 22 08 009 3 00	C 22 08 154 3 00	Town of Fountain Hills STS Funding
C 22 08 001 3 ZZ	C 22 08 010 3 00	C 22 08 155 3 00	Town of Youngtown STS Funding
Department issued	C 22 08 011 3 00	C 22 08 156 3 00	City of Chandler - United Way STS Funding
Department issued	C 22 08 012 3 00	C 22 08 157 3 00	Town of Queen Creek STS Funding
Department issued	C 22 08 013 3 00	C 22 08 158 3 00	Town of Gilbert STS Funding
Department issued	C 22 08 014 3 00	C 22 08 159 3 00	City of Glendale Transit STS Funding
Department issued	C 22 08 015 3 00	C 22 08 160 3 00	City of Glendale CDBG STS Funding
Department issued	C 22 08 016 3 00	C 22 08 161 3 00	Town of Buckeye STS Funding
Department issued	C 22 08 017 3 00	C 22 08 162 3 00	City of El Mirage STS Funding
Department issued	C 22 08 018 3 00	C 22 08 163 3 00	Area Agency on Aging
Department issued	C 22 08 019 3 00	C 22 08 164 3 00	City of Scottsdale STS Funding
Department issued	C 22 08 020 3 00	C 22 08 165 3 00	Town of Wickenburg STS Funding
Department issued	C 22 08 021 3 00	C 22 08 166 3 00	City of Mesa STS Funding
Department issued	C 22 08 022 3 00	C 22 08 167 3 00	City of Chandler STS Funding
Department issued	C 22 08 023 3 00	C 22 08 168 3 00	RPTA Valley Metro Capital Match (LTAF II Funding)
Department issued	C 22 08 024 3 00	C 22 08 169 3 00	City of Avondale STS Funding
Department issued	C 22 08 026 3 00	C 22 08 170 3 00	RPTA LTAF II
Department issued	C 22 08 025 3 00	C 22 08 171 3 00	City of Tempe STS Funding

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Former ZZ Action Associated with	Former ZZ Action and Contract Number	New ZZ Action and Contract Numbers	Contract Name / Description
Department issued	C 22 08 027 3 00	C 22 08 172 3 00	To be awarded
Department issued	C 22 08 028 3 00	C 22 08 173 3 00	To be awarded
Department issued	C 22 08 029 3 00	C 22 08 174 3 00	To be awarded
Department issued	C 22 08 030 3 00	C 22 08 175 3 00	To be awarded
Department issued	C 22 08 031 3 00	C 22 08 176 3 00	To be awarded
Department issued	C 22 08 032 3 00	C 22 08 177 3 00	To be awarded
Department issued	C 22 08 033 3 00	C 22 08 178 3 00	To be awarded
Department issued	C 22 08 034 3 00	C 22 08 179 3 00	To be awarded

34. MEMORANDUM OF UNDERSTANDING WITH THE NATIONAL FRATERNAL ORDER OF POLICE FOUNDATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Memorandum of Understanding C22081803, between the National Fraternal Order of Police Foundation (F.O.P.) and Maricopa County Human Services Department, for the career development and career advancement needs of spouses of fallen sworn law enforcement officers killed in the line of duty in the amount of \$47,100. This MOU is effective from the date of Board approval until June 30, 2010. (C2208180300)

35. CONTRACTS FOR EMPLOYED WORKER TRAINING PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following contracts with Maricopa County Human Services Department for the Employed Worker Training Program. These contracts are effective from March 15, 2008 until March 15, 2009. Maricopa County's Employed Worker Training Program is a job-specific reimbursable contract program that supports the delivery of customized training that meets the specific training needs of a business or group of businesses. The program is designed to increase the skill and wage levels of employees as well as to create new job opportunities within Maricopa County:

- a. Vantage Mobility in the amount of \$22,500. (C2208181100)
- b. Nichols Precision in the amount of \$14,420. (C2208183100)
- c. Pivot Manufacturing in the amount of \$15,620. (C2208184000)

36. AGREEMENT WITH TEMPE COMMUNITY ACTION AGENCY FOR TRANSPORTATION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an agreement between Tempe Community Action Agency and Maricopa County Human Services Department, for the provision of transportation services. This agreement is effective from February 1, 2008 until June 30, 2009. This agreement will allow HSD STS to receive up to \$15,000 in funds from Tempe Community Action Agency to be used as the local match as required for the division's Job Access and Reverse Commute funding for the purchase of transit passes. The passes would be distributed to Tempe Community Action Agency's low-income participants for employment related travel. (C2208186300)

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37. ADMINISTRATIVE CORRECTION TO APPLICATIONS FOR GRANT FUNDING TO SUPPORT THE CONTINUATION OF MARICOPA COUNTY'S HEAD START ZERO-FIVE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Administrative Correction to action taken on February 26, 2007, (C22080013ZZ) at which the Board authorized the Human Services Department to submit nine applications for grant funding to support the continuation of Maricopa County's Head Start Zero-Five Program (Head Start and Early Head Start) for a not-to-exceed \$23,549,000 for FY 07-2008. This correction will reduce the number of applications from nine to four and re-establish the associated numbers in Agenda Central for the subsequent applications and award documents as stated below. (C2208187300)

C22080023 - \$18,721,194 US Dept of HHS EHS - Basic Funding grant

C22080033 - \$277,700 US Dept of HHS EHS - COLA Funding grant

C22080043 - \$000,000 AZ Dept. of Education – Adult Care Food Program (To be determined, NTE \$350,000.)

C22080053 - Not being used at this time

38. ADMINISTRATIVE CORRECTION TO APPLICATIONS FOR GRANT FUNDING FOR THE COMMUNITY SERVICES PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Administrative Correction to action taken on February 21, 2007 (C22080513ZZ) at which the Board authorized the Human Services Department to submit eight applications for grant funding for the Community Services Program for a not-to-exceed \$10,750,000 for FY 2007-08. This correction will authorize an additional three applications and associated contract slots for FY 07-2008 for a total of eleven application slots authorized under this action as detailed below: (C2208188300)

C2208060300 – Arizona Community Action Associate

C2208061300 – Not used at this time

C2208062300 -- Not used at this time

39. MARICOPA COUNTY WORKFORCE INVESTMENT AREA TWO-YEAR LOCAL WORKFORCE INVESTMENT PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Maricopa County Workforce Investment Area Two-Year Local Workforce Investment Plan 2008-2010 for Title I of the Workforce Investment Act of 1998 and the Wagner Peyser Act. (C2208189M00) (ADM2501)

CHIEF FINANCIAL OFFICER
Animal Care & Control

40. KENNEL PERMIT

Pursuant to A.R.S. §11-1009, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following kennel permits. The cost of each kennel permit is \$328:

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- a. Friends For Life Animal Sanctuary, located at 143 W. Vaughn Avenue, Gilbert, AZ 85234, for the term of February 20, 2008 through February 19, 2009. Permit #334. (Supervisory District 2) (C7908072C00) (ADM2304)
- b. Liz Hazen, d.b.a. Hazen Farms, located at 26951 W. Hazen Road, Buckeye, AZ 85326, for the term of February 20, 2008 through February 19, 2009. Permit #340. (Supervisory District 5) (C7908072C00) (ADM2304)
- c. Connie Hendricks, d.b.a. Hendricks Kennels, located at 4434 W. Tierra Buena Lane, Glendale, AZ 85306, for the term of February 20, 2008 through February 19, 2009. Permit #434. (Supervisory District 4) (C7908072C00) (ADM2304)
- d. Lynn and Larry Jech, d.b.a. Keepsake Kennels, located at 11446 W. Hidalgo, Tolleson, AZ 85353, for the term of February 20, 2008 through February 19, 2009. Permit #356. (Supervisory District 5) (C7908073C00) (ADM2304)
- e. Gary Mitchell and Christine Koudelka, d.b.a. Oh So Not So Kennels, located at 3202 W. Sierra Vista Drive, Phoenix, AZ 85017, for the term of February 20, 2008 through February 19, 2009. Permit #441. (Supervisory District 5) (C7908074C00) (ADM2304)
- f. Susan Di Gregario, d.b.a. S & J Kennels, located at 1117 N. 11th Street, Phoenix, AZ 85006, for the term of March 12, 2008 through March 11, 2009. Permit #082. (Supervisory District 5) (C7908076C00) (ADM2304)
- g. Isabel Swaney, d.b.a. Swaney Kennels, located at 26717 S. 206th St, Queen Creek AZ 85242, for the term of March 12, 2008 through March 11, 2009. Permit #424. (Supervisory District 1) (C7908076C00) (ADM2304)
- h. Jackie Lawrence, d.b.a. Desperado Hounds, located at 2070 E. Melrose Street, Gilbert, AZ 85297, for the term of March 12, 2008 through March 11, 2009. Permit #290. (Supervisory District 2) (C7908077C00) (ADM2304)

41. DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the monetary donation from Buffalo Exchange of Tucson, AZ in the amount of \$440.40; Wanda Kolomyjec of Phoenix, AZ in the amount of \$500; and, PetSmart Charities of Phoenix, AZ in the amount of \$1,259.30 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908075700) (ADM2300-006)

Finance

42. FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related

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warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

43. AMENDMENT TO IGA WITH TOWN OF GILBERT FOR USE OF A COUNTY-OWNED PARCEL OF LAND

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a Second Amendment to an Intergovernmental Agreement (IGA) with the Town of Gilbert for use of a county-owned parcel of land known as the "Gilbert Rodeo Grounds" located near Val Vista Drive and Ray Road, in the Town of Gilbert. This Second Amendment provides an additional six-month extension of the term that will expire on August 16, 2008. The Town will pay a nominal fee of \$10.00 for use of the subject site during the six-month extension period. The Facility Review Committee endorses the proposed Second Amendment. (C1808003201)

44. RESCIND PORTION OF AGENDA THAT AUTHORIZED PUBLIC NOTICE, ADVERTISEMENT, AND A PUBLIC AUCTION OF SURPLUS PROPERTY

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to rescind the portion of Board agenda C1808037B00 that authorized the public notice, advertisement, and a public auction of surplus property located at 333 West Hatcher, Phoenix, Arizona. Pursuant to A.R.S. §11-256 (E) public notice, advertisement, and public auction are not required for a lease with a person or entity that leased property before the property was purchased by the County. (C1808037B01)

45. LEASE WITH DAVID B. GRUBLER, DDS, P.C.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize a new lease, Lease MC10174, with David B. Grubler, DDS, P.C., an Arizona professional corporation, the existing tenant at 333 West Hatcher, Phoenix, AZ, and authorize the Chairman to execute all necessary documents approved by County Counsel to complete the new lease. In October of 2007, the County assumed a third-party lease for approximately 1,000 square feet of office space as part of the County's purchase of the 333 West Hatcher property. The subject lease will terminate in April of 2008. The County anticipates a need to use the leased premises as growth space for Adult and Juvenile Probation in approximately two to five years. (C1808042B00)

46. DECLARE VARIOUS OBSOLETE AND UNUSED BUILDINGS AND STRUCTURES ON DURANGO CAMPUS TO BE OF NO VALUE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to declare various obsolete and unused buildings and structures on Maricopa County's Durango Campus located at 2323 S. 35th Avenue to be of no value and authorize their demolition to clear space for future development. The structures have previously been used by the Animal Care and Control Department (ACCD). The facility consists of an administrative office, animal kennels, storage buildings, a truck wash and modular field offices. The Facilities Management site numbers for the structures are 1801, 1802, 1803, 1804, 1805, and 1806. (C1808040M00) (ADM806)

47. ANNUAL ADJUSTMENT TO INMATE BOOKING AND HOUSING FEES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the annual adjustment to the inmate booking and housing fees charged to other jurisdictions

for the use of Maricopa County jails. The effective date of this adjustment will be July 1, 2008. The inmate booking fee will increase from \$189.23 to \$199.35 per inmate booked; the inmate housing fee will increase from \$72.33 to \$73.46 per day. (C1808041800) (ADM3911)

Materials Management

48. SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Awards

07126-S County Vehicle Towing Services (\$450,000 estimate/three years with three one-year renewal options) Price agreement for 24 hour/7 day week County vehicle towing services and other road services as required for the various types of Maricopa County owned fleet/equipment.

- Western Towing (Primary)
- All Over Towing (Secondary)
- Auto Citi Towing LLC. (Secondary)
- DV Towing LLC. (Secondary)
- Shamrock Towing (Secondary)

07153-C Heat, Vent and Air Conditioning [HVAC] Equipment (\$1,000,000 estimate/three years with three one-year renewal options) Price agreement to purchase HVAC equipment for County facilities as requested by the Facilities Management Department.

- Absolute Air Technologies, LLC
- Andrew's Refrigeration
- AZME
- Johnson Controls, Inc.

Parks and Recreation

49. AMENDMENT TO USE MANAGEMENT AGREEMENT WITH LAKE PLEASANT MARINA PARTNERS, ~~LLC~~ LLP

(Note: the correction to the above title was announced by the Clerk prior to the vote)

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment No. 1 to the Use Management Agreement between Maricopa County and Lake Pleasant Marina Partners, LLP (Concessionaire) (C3006012100) in order to amend Exhibit C.1 – Percentage Fee and Minimum Payment Schedule of the Agreement due to Construction delays not the fault of the Concessionaire. The Parties also desire to clarify additional language throughout the Agreement. The terms of the Use Management Agreement remains unchanged from December 7, 2005 until June 28, 2040, (approximately 35 years) with a 15 year renewal option. The effective date of this amendment is the date of Board approval. There is no budget adjustment required in the Lake Pleasant

Regional Park Recreation Services Fund (240) as revenues have exceeded budget by more than the amount that would have been generated if Exhibit C.1 had not been amended. (C3006012101)

50. EXPENDITURE APPROPRIATION FOR DEVELOPMENT OF THE LAKE PLEASANT REGIONAL PARK AMPHITHEATER

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an FY 2007-08 fund transfer of \$474,889 from the Parks & Recreation (300) Lake Pleasant Recreation Services Fund (240) to the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422). This action requires adjustments increasing the FY 2007-08 Parks & Recreation (300) Lake Pleasant Recreation Services Fund (240) expenditure appropriation by \$474,889 and increasing the FY 2007-08 Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) revenue appropriation by \$474,889, with offsetting revenue and expenditure adjustments in the Eliminations (980) Eliminations Fund (900).

Also, transfer expenditure authority of \$474,889 from the FY 2007-08 Non-Departmental (470) Non Departmental Grant Fund (249) to the FY 2007-08 Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422). Also, increase the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) Visitor Centers and Amphitheaters (VAMP) project revenue and expenditure appropriations by \$474,889. This action will allow the Parks & Recreation Department to fund the development of the Lake Pleasant Regional Park amphitheater from Lake Pleasant Recreation Services Fund (240) fund balance. Original funding for this project was approved by the Board on June 19, 2006 as a part of the FY 2006-07 Capital Improvement Program budget. (C3008021800) (ADM3200-003)

51. ACCEPT THE AWARDED ARIZONA BOATING SAFETY GRANT

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept from the Arizona Game and Fish Department (AGFD) the awarded Arizona Boating Safety Grant. The award is for \$6,500 and will be used to facilitate expansion of boating safety by lending appropriate type and size life jackets to those who have a temporary need for them to increase safety in the water and reduce the number of drownings. Also authorize the Parks and Recreation Department to sign necessary reporting and reimbursement paperwork to administer the grant. The indirect cost recovery rate for Parks & Recreation is 17.57%. The unrecoverable indirect cost associated with the funding are estimated to be \$1,142. This grant does not allow for indirect cost recovery. Project Period is from date of signature of Arizona Game and Fish Department Director to June 30, 2009. (C3008022300)

52. AGREEMENT FOR DELIVERY OF EXCESS CENTRAL ARIZONA PROJECT WATER

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the agreement between the Central Arizona Water Conservation District (CAWCD) and Maricopa County, through its Maricopa County Parks and Recreation Department, providing for the delivery of excess Central Arizona Project (CAP) Water. There is no cost to County as all costs are reimbursed to the County by its Concessionaire Partners. The initial term of this Agreement expires on December 31 of the year in which it is executed and will automatically renew for successive one-year terms unless terminated. (C3008023200)

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53. COLLECTION AGREEMENT FOR RECEIPT OF A GRANT FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF A NEW HEAD PIER WITH THREE FINGER PIERS TO FACILITATE PUBLIC FUELING AND PUMP-OUT STATIONS

Pursuant to A.R.S. §17-231(B)(7) and A.R.S. §11-952, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Collection Agreement (Agreement Number BIG 06-01) between the Arizona Game and Fish Commission (Commission) through its administrative agency, the Arizona Game and Fish Department (Department) and Lake Pleasant Marina Partners, LLC (Subgrantee) and Maricopa County (County) for receipt of a grant in the amount of \$100,000. The award is for the construction, maintenance and operation of a new head pier with three finger piers to facilitate public fueling and pump-out stations for watercraft 26' in length and longer (Project Number BIG 06-01) to be used at Scorpion Bay Marina and Yacht Club, Lake Pleasant Regional Park. The Subgrantee will be the recipient of all funding. The County is listed on the agreement because in event of default by the Subgrantee of its Use Management Agreement (C3006012100) with the County, the County takes control of the facilities upon which the award is based. In this event, the County will also be responsible for all terms and conditions of the Collection Agreement. There is no financial impact to the County. (C3008024000)

54. COLLECTION AGREEMENT FOR RECEIPT OF GRANT FOR PURCHASE, MAINTENANCE AND OPERATION OF HOLDING TANK PUMP-OUT CARTS

Pursuant to A.R.S. §17-231(B)(7) and A.R.S. §11-952, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Collection Agreement (Agreement Number CVA 05-04) between the Arizona Game and Fish Commission (Commission) through its administrative agency, the Arizona Game and Fish Department (Department) and Lake Pleasant Marina Partners, LLC (Subgrantee) and Maricopa County (County) for receipt of a grant in the amount of \$26,820. The award is for the purchase, maintenance and operation of two holding tank pump-out carts (Project Number CVA 05-04) to be used at Scorpion Bay Marina and Yacht Club, Lake Pleasant Regional Park. The Subgrantee will be the recipient of all funding. The County is listed on the Agreement because in event of default by the Subgrantee of its Use Management Agreement (C3006012100) with the County, the County takes control of the facilities upon which the award is based. In this event, the County will also be responsible for all terms and conditions of the Collection Agreement. There is no financial impact to the County. (C3008025000)

55. COLLECTION AGREEMENT FOR RECEIPT OF GRANT FOR PURCHASE, MAINTENANCE AND OPERATION OF A NEW PUMP-OUT STATION, A LIFT STATION AND ASSOCIATED PLUMBING AND ELECTRICAL IN SUPPORT OF SHORE-BASED DISPOSAL FACILITIES

Pursuant to A.R.S. §17-231(B)(7) and A.R.S. §11-952, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Collection Agreement (Agreement Number CVA 07-02) between the Arizona Game and Fish Commission (Commission) through its administrative agency, the Arizona Game and Fish Department (Department) and Lake Pleasant Marina Partners, LLC (Subgrantee) and Maricopa County (County) for receipt of a grant in the amount of \$85,994.00. The award is for the purchase, maintenance and operation of a new pump-out station, a lift station and associated plumbing and electrical in support of shore-based disposal facilities (Project Number CVA 07-02) to be located at Scorpion Bay Marina and Yacht Club, Lake Pleasant Regional Park. The Subgrantee will be the recipient of all funding. The County is listed on the Agreement because in event of default by the Subgrantee of its Use Management Agreement (C3006012100) with the County, the County takes control of the facilities upon which the award is based. In this event, the

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County will also be responsible for all terms and conditions of the Collection Agreement. There is no financial impact to the County. (C3008026000)

ASSISTANT COUNTY MANAGER – REGIONAL DEVELOPMENT SERVICES
Air Quality

56. ADMINISTRATIVE CORRECTION REGARDING FUND SOURCES RELATED TO MAG 5% REDUCTION PLAN COMMITMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve administrative corrections to action taken on September 10, 2007, (C8508004600) regarding the funding sources for the County's MAG 5% reduction plan commitments. This correction moves the funding sources for Air Quality's use of fund balance from Fund 100 to Fund 249 since the funding is Air Quality's use of fund balance.

The original agenda approved on September 13, 2007, moved fund balance with the use of General Fund expenditure authority due to other fee increases and unplanned use of fund balance for Non-General Fund departments. However, the expenditure authority for the Non-General Fund departments is now sufficient to move the expenditure authority from Fund 249 for most of this request.

In accordance with A.R.S. §42-17106(B), approve the change from the transfer of expenditure authority between Non-Departmental (470), General Fund (100) Unreserved Contingency (4711) and the Air Quality Department (850) Air Quality Fund (504) to approve a one-time expenditure increase in the amount of \$2,235,633 to the Air Quality (850) Air Quality Fee Fund (504). The increase in the expenditure budget will be offset by the reduction to the FY 2007-08 General Government (470) General Fund (100) approved in agenda items C-49-08-024-8-00 and C-49-08-028-8-00, which resulted in a total reduction of \$8,362,522.

Also, in accordance with A.R.S. §42-17106(B), approve the change from the transfer of expenditure authority between Appropriated Fund balance (480), General Fund (100) Unreserved Contingency (4811) and the Air Quality Department (850) Air Quality Fund (504) to the transfer of expenditure authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Air Quality Department (850) Air Quality Fund (504). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) by \$127,273 and increasing the Air Quality Department (850) Air Quality Fund (504) by \$127,273. These adjustments will result in a County-wide net financial impact of zero.

Also, in accordance with A.R.S. §42-17106(B), approve the change from the transfer of expenditure authority between Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) and the Air Quality Department (850) Air Quality Fund (504) to the transfer of expenditure authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Air Quality Department (850) Air Quality Fund (504). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) by \$3,224,780 and increasing the Air Quality Department (850) Air Quality Fund (504) by \$3,224,780. This adjustment will result in a County-wide net financial impact of zero.

Also, in accordance with A.R.S. §42-17106(B), approve the change from the transfer of expenditure authority between Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) and the Air Quality Department (850) Air Quality Fund (504) to the transfer of expenditure authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Air Quality Department (850) Air

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Quality Fund (504). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) by \$1,243,087 and increasing the Air Quality Department (850) Air Quality Fund (504) by \$1,243,087. This adjustment will result in a County-wide net financial impact of zero.

Also, Per A.R.S. §42-17106(b), approve the change from the transfer of expenditure authority between Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) and the Planning and Development Department (440) Planning and Development Fee Fund (226) to the transfer of expenditure authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Planning and Development Department (440) Planning and Development Fee Fund (226). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) by \$92,500 and increasing the Planning and Development Department (440) Planning and Development Fee Fund (226) by \$92,500. This adjustment will result in a County-wide net financial impact of zero. (C8508004601) (ADM2375-003) (ADM3400-003) (ADM2351-001)

Emergency Management

57. ACCEPT ADDITIONAL GRANT AWARD FOR THE SUPPLEMENTAL EMERGENCY MANAGEMENT PERFORMANCE GRANT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and accept additional grant award from the Arizona Division of Emergency Management for the Supplemental Emergency Management Performance Grant (EMPG) for FY 2007-08 in the amount of \$96,869.

Pursuant to A.R.S. §45-17106(B), increase the FY 2007-08 Emergency Management (150) Emergency Management Fund (215) revenue and expenditure budgets by \$96,869. The grant period is October 1, 2006 to September 30, 2008. MCDEM's indirect cost rate for this grant is 12.85%. Indirect costs of \$11,030.28 are allowable and recoverable. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1508004001)

Environmental Services

58. EXCEPTION TO THE MARICOPA COUNTY COMPENSATION PLAN SECTION IV.A. SALARY ADVANCEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an exception to the Maricopa County Compensation Plan Section IV.A. Salary Advancement to allow the salary advancement for Environmental Services Department employee Renda Washington-Logan to be effective retroactively to August 27, 2007. The total impact of this request is approximately \$731.64. (C8808005600) (ADM3308-001)

Planning and Development

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59. RESCIND ADOPTION OF ORDINANCE #1 FOR THE MARICOPA COUNTY AGGREGATE MINING OPERATIONS ZONING DISTRICT #1

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to rescind action taken on December 19, 2007 (C4408009000) at which Ordinance #1 for the Maricopa County Aggregate Mining Operations Zoning District #1 was adopted.

Approve Administrative Regulation #1 for the Maricopa County Aggregate Mining Operations Zoning District #1. This Regulation shall be effective from and after the date of passage by the Maricopa County Board of Supervisors. (C4408012000) (ADM3441)

Administrative Regulation # 1 for the Maricopa County Aggregate Mining Operations Zoning District # 1

Whereas ARS § 11-830, Sections D, E, and F authorizes the Maricopa County Board of Supervisors to establish an aggregate mining operations zoning district, to appoint a recommendation committee for the district, and to adopt administrative regulations recommended by the recommendation committee of the aggregate mining operations zoning district; and

Whereas the Maricopa County Aggregate Mining Operations Zoning District # 1 (District) was established on September 13, 2004, and the District boundaries were set on October 6, 2004 to include all territory within a one mile radius of the floodway of the main channel of the Agua Fria River from the Central Arizona Project Canal to Grand Avenue; and

Whereas the Maricopa County Aggregate Mining Operations Zoning District # 1 Recommendation Committee (Committee) was appointed comprised of five mining industry representatives and five persons not related to the mining industry who reside within one mile of an existing or proposed mining operation within the district; and

Whereas the Committee reviews compatibility issues between aggregate mining operations and proximate residential neighborhoods within the District; and

Whereas the Committee, in conjunction with the State Mine Inspector's Office, may recommend administrative regulations for aggregate mining operations within the District to the Maricopa County Board of Supervisors; and

Whereas the Committee on July 10, 2007 voted unanimously to recommend the following regulation, and on September 24, 2007 the State Mine Inspector's Office provided written concurrence with same; and

Whereas the purpose of this regulation is to promote and protect the health, peace, safety, comfort, convenience and general welfare of the citizens of Maricopa County by regulating aggregate mining operations within the boundaries of the District;

Now therefore be it ordained that the Maricopa County Board of Supervisors hereby approves the following regulation for aggregate mining operations within the boundaries of the District and that the following regulation shall be effective for the Maricopa County Aggregate Mining Operations Zoning District # 1 from and after the passage of this Regulation:

1. Alternative (i.e. broadband/low pitch/strobe) back-up alarms shall be used for all on-site/in-house vehicles within the mining district.

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2. Due to costs and availability, alternative back-up alarms shall be phased in for on-site fleets including, mixers, loaders, and haulers incrementally within six months of the Maricopa County Board of Supervisors approval of this regulation.
3. Alternative back-up alarms shall be recommended for third party vehicles, brokers, and out-of-state contractors.
4. Traffic plans shall be established for sites operating in the mining district for safety and noise reduction purposes and adhered to by all drivers on-site. Vehicles without these alternative back-up alarms shall use the established forward traffic patterns for on-site mine traffic avoiding unnecessary use of alarms. This may not be practical for all service vehicles

DATED this 12th day of March 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ASSISTANT COUNTY MANAGER – PUBLIC WORKS
Transportation

60. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

DD-10732 Project No.: TT011 – Germann Road – Warranty Deed – Parcel No.: 304-61-012E –
(GL) Chas Roberts Air Conditioning, Inc. – for the sum of \$10.00.

DD-10732 Project No.: TT011 – Germann Road – Purchase Agreement and Escrow Instructions –
(GL) Parcel No.: 304-61-012E – Chas Roberts Air Conditioning, Inc.

TT260.001 Project No.: TT260 – Brown and Signal Butte – Warranty Deed – Parcel No.: 220-07-
(DK) 001A (a portion of) – Steven H. Morris – for the sum of \$1,350.00.

TT261.002 Project No.: TT261 – Riggs Road and Sossaman Road – Warranty Deed – Parcel No.:
(DK) 304-90-406, 407 and 408D (a portion of) – JDP Properties, L.L.C. – for the sum of
\$14,963.00.

TT261.002 Project No.: TT261 – Riggs Road and Sossaman Road – Purchase Agreement &
(DK) Escrow Instructions – Parcel No.: 304-90-406, 407 and 408D (a portion of) - JDP
Properties, L.L.C.

TT262.002 Project No.: TT262 – Riggs Road & Power Road – Warranty Deed – Parcel No.: 304-
(DK) 89-003A (a portion of) – Charles V. Ashley – for the sum of \$5,196.00.

TT262.002 Project No.: TT262 – Riggs Road & Power Road – Drainage Easement – Parcel No.:

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(DK) 304-89-003A (a portion of) – Charles V. Ashley – for the sum of \$4,969.00.

TT262.002 Project No.: TT262 – Riggs Road & Power Road - Purchase Agreement & Escrow
(DK) Instructions – Parcel No.: 304-89-003A (a portion of) – Charles V. Ashley.

61. IGA FOR IMPROVEMENTS TO 83RD AVENUE FROM WILLIAMS TO CALLE LEJOS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) between Maricopa County, through the Maricopa County Department of Transportation, (MCDOT) and the City of Peoria for improvements to 83rd Avenue from Williams to Calle Lejos. The estimated total cost of the Project is \$6,000,000. Peoria is providing 100% of the funding and MCDOT/PW is providing staff support only for the Project. The IGA is effective upon recording by the Maricopa County Recorder and remains in effect until terminated. (C6408134200)

62. IGA FOR IMPROVEMENTS TO RIGGS ROAD FROM ELLSWORTH ROAD TO MERIDIAN ROAD

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the intergovernmental agreement between Maricopa County, acting through the Maricopa County Department of Transportation and the Town of Queen Creek for improvements to Riggs Road from Ellsworth Road to Meridian Road. The purpose of this agreement is to identify the County's participation in the design of the Project (T251). The design contract for this Project is currently in the amount of \$1,206,358. The IGA is effective upon recording by the Maricopa County Recorder and remains in effect until terminated.

Also, pursuant to A.R.S. §42-17106 (B), approve an amendment to the current FY 2008-2012 five-year TIP in the Department of Transportation (640) Transportation Capital Projects Fund (234) by decreasing the Year 1 (FY 2007-08) expenditure budget for Project T070, Alma School Road: McLellan - McKellips capital budget by \$405,000.

And increasing the FY 2007-2008 (Year 1) capital budget for Project T251, Riggs Road: Ellsworth - Meridian capital budget by \$405,000.

The requested adjustments result in a net budget impact of zero. (C6408137200)

63. ANNEXATION BY THE CITY OF PHOENIX

Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the annexation by the City of Phoenix of County right-of-way within: 67th Avenue from Elwood Street to 504.90 feet North of Elwood Street, in accordance with Phoenix Ordinance No. G-5077. (C6408138000) (ADM4213-002)

ORDINANCE NO. G-5077

That part of the West half of Section 19, Township 1 North, Range 2 East, G&SRB&M, and the East half of Section 24, Township 1 North, Range 1 East, G&SRB&M, described as follows:

commencing at the West quarter corner of said Section 19, Thence East along the North line of the Southwest quarter of said Section 19, being also the South line of the Northwest quarter of said Section 19 to the East line of the West 45 feet thereof, being also a point in the boundary of the area annexed to the City of Phoenix by its Ordinance

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No. G-4115, recorded in Document No. 98-793147 and re-recorded in Document No. 98-906332, records of Maricopa County, Arizona, and said point being the point of beginning; Thence Northerly along the East line of the West 45 feet of said Northwest quarter to the Easterly prolongation of the South line of the North 504.90 feet of the Northeast quarter of said Section 24; Thence Westerly, along said Easterly prolongation to the West line of said Northwest quarter, being also the East line of the Northeast quarter of said Section 24; Thence continuing Westerly, along the South line of the North 504.90 feet of the Northeast quarter of said Section 24, to the West line of the East 33 feet of said Northeast quarter; Thence Southerly along last said West line to the Westerly prolongation of the south line of the Northwest quarter of said section 19; Thence Easterly along said Westerly prolongation to the East line of said Section 24, being also the West line and the West quarter corner of said Section 19; Thence continuing Easterly, along the South line of the Northwest quarter of said Section 19, to said East line of the West 45 feet of said Section 19, and the point of beginning.

64. REIMBURSEMENT TO APS FOR ENGINEERING AND CONSTRUCTION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve reimbursement to Arizona Public Service Company (APS) for engineering and construction services provided by APS contracted forces for the relocation of the APS owned electrical facilities in conflict with Maricopa County Department of Transportation Project TT253, Rainbow Road Bridge at Buckeye Canal. The cost may not exceed the current estimate of \$17,094.70 by more than 10 percent. MCDOT has verified that APS has prior rights. This approved reimbursement will be in effect for two years from the date of approval by the Board. (Supervisorial District 4) (C6408139M00) (ADM2000-006)

65. TRAFFIC CONTROL CHANGES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following traffic control changes:

- a. Broadway Road and Perryville Road – A Four Way Stop (from a Two-Way north/south Stop). This partially rescinds the Through Street Resolution on Broadway Road dated May 21, 1957. (C6408144000) (F23251)
- b. St. Johns Road from 51st Avenue to 1.25 miles west of 51st Avenue – A 35 MPH SPEED LIMIT ZONE (from a 40 MPH SPEED LIMIT ZONE). This rescinds the 40 MPH speed limit zone dated November 12, 1974. (C6408146000) (F23251)
- c. St. Johns Road from 1.25 miles west of 51st Avenue to 1.50 miles west of 51st Avenue – A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE). This partially rescinds the 50 MPH speed limit zone dated November 12, 1974. (C6408146000) (F23251)
- d. Miller Road from 700 Feet North of Maricopa Road to Broadway Road – A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE). This rescinds the 50 MPH speed limit zone dated October 29, 1973. (C6408148000) (F23251)

66. NEW TRAFFIC CONTROLS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following new traffic controls:

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- a. 27th Avenue from 100 Feet South of New River Road to 100 Feet South of Wander Lane – All Traffic to stop before entering or crossing a THROUGH STREET. (C6408145000) (F23251)
- b. Designate the following County Roadways as Prohibited Hazardous Materials Routes: (C6408147000) (F23251)
 - o 83rd Avenue from Baseline Road to Dobbins Road.
 - o Dobbins Road from 83rd Avenue to 75th Avenue.
 - o 75th Avenue from Dobbins Road to Estrella Drive.
 - o Estrella Drive from 75th Avenue to 67th Avenue.
 - o 67th Avenue from Estrella Drive to Ray Road.
 - o Ray Road from 67th Avenue to Saint Johns Road.
 - o Saint Johns Road from Ray Road to 51st Avenue.
- c. 79th Avenue from Acoma Drive to Banff Lane (Both sides) – A NO STOPPING, STANDING, PARKING ANY TIME ZONE from 8:00 am to 3:30 pm School Days Only. (C6408149000) (F23251)

BOARD OF SUPERVISORS

Clerk of the Board

67. APPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following:

- a. **Citizen's Audit Advisory Committee** – Reappoint Jill Rissi, representing Supervisorial District 2, whose term is effective from April 5, 2008 through April 4, 2010. (C0608069900) (ADM2602-001)
- b. **Sports Commission Board of Directors** – Appoint Gary Hays, as nominated by Supervisorial District 1, whose term is effective from the date of Board approval through March 11, 2012. (C0608072900) (ADM3240-001)
- c. **Industrial Development Authority Board of Directors** – Reappoint Merwin Grant, as nominated by Supervisorial District 2, whose term is effective from the date of Board approval through December 17, 2013. (C0608076900) (ADM4500-001)

68. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

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The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003) Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

Motion was made by Supervisor Stapley, seconded by Supervisor Brock and unanimously carried (5-0) regarding action on the following vouchers:

- | | | |
|---|-------------------------|-------------|
| • | Ratify Voucher No. 7026 | \$55,345.48 |
| • | Ratify Voucher No. 7027 | \$56,232.26 |

SETTING OF HEARINGS

- All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted -

Clerk of the Board

69. FRANCHISE

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following:

- a. Reset a public hearing for March 26, 2008, to solicit comments and consider the application by Beardsley Water Company (BWC), for an extension to an existing public service franchise for a domestic water distribution system. The Board, at its February 20, 2008 meeting, previously set this matter for public hearing for March 12, 2008, pursuant to A.R.S. §40-283. Resetting the public hearing for March 26, 2008, allows for further time to satisfy the publishing requirements as stipulated in A.R.S. §40-283(E). (C0608062700) (F18706)
- b. Reset a public hearing for March 26, 2008, to solicit comments and consider the application by Water Utility of Greater Tonopah, for an extension to an existing public service franchise for a domestic water distribution system. The Board, at its February 20, 2008 meeting, previously set this matter for public hearing for March 12, 2008, pursuant to A.R.S. §40-283. Resetting the public hearing for March 26, 2008, allows for further time to satisfy the publishing requirements as stipulated in A.R.S. §40-283(E). (C0608063700) (F21283)

70. CHANDLER COUNTY ISLAND FIRE DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to receive the formation request for the proposed Chandler County Island Fire District, located in the City of Chandler municipal planning area and set a public hearing pursuant to A.R.S. §48-851, for Wednesday, April 9, 2008. At the hearing on April 9th, the Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board of Supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district formation

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request and authorize the persons proposing the district to circulate petitions. The revised map and list of proposed organizing board members are on file in the Clerk of the Board's office. (C0608074700) (ADM4455)

Planning and Development

71. PUBLIC HEARING SET – PLANNING AND DEVELOPMENT CASES

No Planning and Development cases were scheduled for March 26, 2008.

Transportation

72. PUBLIC HEARING SET – ROAD FILE DECLARATION

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to set a public hearing to declare the following roads into the county highway system for Wednesday, April 9, 2008.

Road File No. (A392). In the vicinity of Rio Verde Drive from 136th Street to the Intersection of Forest Road and Needle Rock Road. (C64081360000)

CONSENT AGENDA
Clerk of the Board

73. ASRS CLAIMS

No claims were submitted by the Arizona State Retirement System for approval at this meeting. (ADM3309-001)

74. APPOINTMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Official Appointments of Ryan McDevitt as Deputy Recorder.

75. CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300)

Electrical District No. 5

ADM4468-001

76. CLASSIFICATION CHANGES

No recommendations pursuant to A.R.S. §42-12054 were received for approval at this meeting. (ADM723)

77. COMPROMISES

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Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested compromises in various bond forfeiture matters, waivers of medical liens and other matters. This item was discussed in Executive Session on February 4, 2008. (ADM407)

Wm. Miller

\$7,000.00

78. DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Audatex	370038879	Expense	\$60.00
Audatex	370059138	Expense	\$58.00

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Gustavio Lucio	Alhambra SD #68	180068447	\$344.78
Bill Henry's Food	Paloma Elem SD #94	480025695	\$272.67
Thomas Bader	Fowler SD #45	180066829	\$602.13
Diana Baires	Murphy Elem SD #21	180064485	\$1,059.84
Paul Vinzant	Paloma Elem SD #94	480051939	\$689.72
Foree White	Roosevelt SD #66	66565226	\$289.61
Britton Zirkle	Isaac SD #5	180053494	\$323.22
Pro-Tech Mobile Communications	Balsz SD #31	480046516	\$665.18
Laidlaw Education Service	Fowler SD #45	480058606	\$91,049.10
Horizon Medical Supply	Litchfield Elem SD #79	480055970	\$127.68
True Colors Inc.	Murphy Elem SD #21	480057726	\$483.84
Gail Wagoner	Laveen Elem SD #59	59023753	\$1,023.92
Juanita Morin	Treasurer	180150357	\$939.99
Catherine Mowery	Treasurer	170116848	\$687.53
Kaleb Gage Pence	Treasurer	180072196	\$24.15
Scholastic	Tolleson Union High SD #214	480059451	\$182.50
Art Printing	Tolleson Union High SD #214	17541982	\$289.16

79. MARKET RANGES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (ADM3308-006)

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Market Range Title	Minimum	Midpoint/Hiring Maximum	Maximum
Management Assistant	\$16.50	\$21.45	\$26.40
Land Acquisition Branch Supervisor	\$26.93	\$32.50	\$38.07
Property Branch Supervisor	\$26.93	\$32.50	\$38.07
Titles and ROW Branch Supervisor	\$26.93	\$32.50	\$38.07
CIP Program Supervisor	\$29.82	\$36.94	\$44.06

80. MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held May 18, 2006, August 14, 2006, September 13, 2006, September 14, 2006, January 25, 2007, February 15, 2007, July 23, 2007, August 20, 2007, September 4, 2007, September 14, 2007, September 17, 2007, September 27, 2007, September 19, 2007, October 15, 2007, October 29, 2007, and November 13, 2007.

81. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated March 12, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

82. SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (ADM705)

DATE	FROM	TO	AMOUNT
2000	13146	13146	\$0.00
2002	20481	20482	-\$2,119.58
2003	28205	28205	-\$106.12
2004	16474	16561	-\$6,575.00
2005	20118	20355	-\$100,232.08
2006	14905	15508	-\$218,174.22
2007	31241	33054	-\$583,057.16
2007	31305	33196	-\$163,974.54
2006	14907	15607	-\$110,113.80
2004	16466	16575	-\$1,030.06
2003	28212	28214	-\$3,376.14
2004	16577	16595	-\$1,350.40
2005	20340	20484	-\$6,470.26
2006	15475	15667	-\$77,810.90

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DATE	FROM	TO	AMOUNT
2007	32747	33410	-\$347,939.78
2002	20485	20490	-\$3,043.82
2003	28211	28211	-\$1,561.18
2004	16558	16583	-\$2,655.70
2005	20356	20464	-\$43,596.00
2006	15377	15639	\$20,598.00
2007	31470	33301	-\$216,568.84

83. SETTLEMENT OF PROPERTY TAX CASES

Approve the settlement of tax cases dated March 12, 2008. (ADM704)

2007

TX2006-000356

TX2006-000427

2008

ST2007-000046

ST2007-000050

ST2007-000090

ST2007-000213

84. STALE DATED WARRANTS

No claims were presented, pursuant to A.R.S. §11-644, for approval at this meeting. (ADM1816)

85. TAX ABATEMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

PARCEL NO.	DATE	AMOUNT	PARCEL NO.	DATE	AMOUNT
159-59-004	2002	\$404.60	207-28-150K	2005	\$31.93
159-59-004	2003	\$318.62	217-27-053W	1998	\$538.36
159-59-004	2004	\$445.23	217-27-053W	1999	\$515.70
159-59-004	2005	\$414.27	217-27-053W	2000	\$75.61
159-59-004	2006	\$508.44	217-27-053W	2001	\$67.87
159-59-004	2007	\$556.88	217-27-053W	2002	\$60.05
207-28-150K	1992	\$613.03	217-27-053W	2003	\$52.13
207-28-150K	1993	\$84.57	217-27-053W	2004	\$44.11
207-28-150K	1994	\$81.16	217-27-053W	2005	\$68.91
207-28-150K	1995	\$78.21	217-27-053W	2006	\$865.24
207-28-150K	1996	\$74.77	217-27-053W	2007	\$588.69
207-28-150K	1997	\$70.09	300-06-003B	2003	\$1,430.04
207-28-150K	1998	\$65.52	300-06-003B	2004	\$1,337.22
207-28-150K	1999	\$60.42	300-06-003B	2005	\$1,574.40

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PARCEL NO.	DATE	AMOUNT	PARCEL NO.	DATE	AMOUNT
207-28-150K	2000	\$54.78	300-06-003B	2006	\$1,737.72
207-28-150K	2001	\$50.57	300-06-003B	2007	\$2,158.98
207-28-150K	2002	\$46.90	101-54-661C	2005	\$897.09
207-28-150K	2003	\$41.53	101-54-661C	2006	\$777.38

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

86. PUBLIC COMMENT

No member of the public came forward to comment at this meeting. (ADM605)

87. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock reported on how well the two citizen clean-ups conducted in Sun Lakes and in Queen Creek did. He said the clean-up in Sun Lakes set a record and thanked all who participated. A final clean-up will be held along the river in South Scottsdale in three weeks (ADM606)

Supervisor Brock also commented on the successful local elections held in some East Valley cities and towns yesterday and congratulated all the newly-elected officials.

Chairman Kunasek said the clean-up Supervisor Brock conducted in District 3 also did very well last weekend and thanked him for his efforts.

PLANNING AND DEVELOPMENT ITEMS

David Smith and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following planning and zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CODE ENFORCEMENT REVIEW

PLEASE NOTE: The following Code Enforcement Review is of a quasi-judicial nature. The Board will review the Hearing Officer's decision to determine if sufficient evidence was presented to the Hearing Officer to support his decision, or whether a procedural error may have occurred. New evidence is not considered at these hearings.

CODE ENFORCEMENT REVIEW – CHARLES DUNNING - CONTINUED

PZ-1. This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2007-01710, Charles Dunning (Supervisory District 4) (ADM3417-057)

The Clerk announced that this case was continued to the March 26, 2008, formal board meeting to comply with notification regulations.

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PLANNING AND DEVELOPMENT AGENDA

CONSENT AGENDA

1. **Z2006-140 District 1**
 Applicant: SVK Engineering for Fig Springs Ranch, LLC
 Location: Northwest corner of Riggs Road and 183rd Street (in the Queen Creek area)
 Request: Zone Change from Rural-43 to R1-35 RUPD (approximately 19.79 acres) –
 Riggs Ranch Estates

COMMISSION ACTION: Commissioner Brooks moved to recommend approval of Z2006-140, subject to stipulations “a” through “m”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the zoning exhibit entitled “Preliminary Plat/Zoning Exhibit of Riggs Ranch Estates”, consisting of 2 full-size sheets, dated (revised) January 24, 2008 and stamped received January 24, 2008, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Project Narrative Riggs Ranch Estates” consisting of eleven (11) pages, dated (revised) January 17, 2008 and stamped received January 18, 2008 except as modified by the following stipulations.
- c. Development of the site shall be in general conformance with the conceptual landscape plan entitled “Riggs Ranch Estates”, consisting of five (5) full-size sheets, dated (revised) December 5, 2007 and stamped received January 18, 2008, except as modified by the following stipulations.
- d. The R1-35 RUPD zoning district for Riggs Ranch Estates shall be subject to the following development standards:

Development Standard	R1-35 Base	R1-35 RUPD Proposed
Height	30’/2 stories	30’/2 stories
Front Yard	40’	40’
Side Yard	20’	20’
Street-side Yard	20’	20’
Rear Yard	40’	40’
Lot Area	35,000 sq. ft.	35,000 sq. ft.
Lot Width ¹	145’	118’
Lot Area per Dwelling Unit ²	35,000 sq. ft.	41,000 sq. ft.
Lot Coverage	20%	20%
Distance between buildings	15’	15’
Parking Spaces	2	2
Wall Height	6’ max height	7’

- 1) Lot width is measured at front yard setback.
- 2) Lot Area per Dwelling Unit = total area of lots and open spaces, excluding all public and private streets, divided by the total number of lots.

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- e. Variations to the development standards as indicated in the approved Unit Plan of Development Table may be varied by the Board of Adjustment in accordance with Article 303.2.2 of the Maricopa County Zoning Ordinance.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted. All trees shall be double-staked when installed.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1. Provide a total half-width of 70' right-of-way on Riggs Road.
 - 2. Provide ultimate half-street improvements (pavement, curb, gutter and sidewalk) on Riggs Road.
- h. All interior streets within the proposed development are to be constructed to minimum County standards.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- m. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "m."

- 2. **Z2007-127** **District 4**
 - Applicant:** Verizon Wireless for Cotton Lane Baptist Church, Inc.
 - Location:** West of Cotton Lane and South of Maryland Avenue (in the west Glendale area)
 - Request:** Major Amendment to a Special Use Permit (SUP) for a Wireless Communication Facility (WCF) in the Rural-43 zoning district, Airport Zone 4 Overlay District and

WCF Use District 2. This site is also within the high noise and accident potential zone of Luke AFB (approximately 0.04 acres) – PHO Russell

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2007-127, subject to stipulations “a” through “n”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled “Major Amendment for PHO Russell Case Number: Z2007127”, consisting of eight (8) full-size sheets, dated revised January 7, 2008 and stamped received January 9, 2008, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Major Amendment Application for Wireless Communication Facility” consisting of six (6) pages, dated revised December 12, 2008, and stamped received January 9, 2008 except as modified by the following stipulations:
- c. The maximum height of the monopole shall not exceed 57’-0” as shown on the approved site plan.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- f. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- g. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- h. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- i. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- j. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

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- k. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- n. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "n."

- 3. S2007-024 District 3**
Applicant: Steven Nevala – Cawley Architects
Location: East of Venture Drive, south of Anthem Way (in the Anthem area)
Request: Replat for Anthem East Side Mixed Use Parcel 48

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve this replat.

REGULAR AGENDA

- 4. Z2006-107 District 3 (Continued from 02-06-08)**
Applicant: Sonora West Development for Cadora Desert Hills
Location: Northwest corner of Desert Hills Drive and 7th Avenue (in the Anthem/Desert Hills area)
Request: Rezone from Rural-43 to Rural-43 RUPD (approximately 74.23 acres) – Desert Hills Equestrian Estates

COMMISSION ACTION: Commissioner Aster moved to continue Z2006-107 for 60-days. Commissioner Jones seconded the motion, which failed 4-4 as follows:

Commissioner Jones - yes	Commissioner Pugmire - no
Commissioner Aster - yes	Commissioner Bowers - no
Commissioner Barney – yes	Commissioner Brooks - no

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Commissioner Johnson – yes Chairman Smith - no

COMMISSION ACTION: Commissioner Aster moved to deny Z2006-107. There was no second. Motion failed.

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2006-107, subject to stipulations “a” through “v”. Commissioner Brooks seconded the motion, which passed with a majority vote of 6-2 with Commissioners Aster and Jones dissenting.

- a. Development of the site shall comply with the Zoning Exhibit entitled “Desert Hills Equestrian Estates”, consisting of three (3) full-size sheets, dated revised May, 2007, and stamped received September 11, 2007, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors approval, a revised zoning exhibit will be submitted to the County to address changes to the RUPD table.
- b. Development of the site shall be in conformance with the narrative report entitled “Desert Hills Equestrian Estates”, consisting of eighteen (18) pages, dated revised September 5, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Preliminary Landscape Plan Desert Hills Equestrian Estates”, consisting of four (4) full size sheets, dated revised August 16, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.
- d. The Rural-43 RUPD zoning district for Desert Hills Equestrian Estates shall be subject to the following development standards:

Development Standard	Rural-43 Base	Rural-43 RUPD Proposed
Maximum building height / stories	30'2 stories	30'2 stories
Minimum front setback	40'	40'
Minimum side setback	30'	20'
Minimum street side setback	20'	20'
Minimum rear setback	40'	30'
Minimum lot size	43,560 sq. ft.	35,000 sq. ft.
Minimum lot width	145'	110'
Average lot area per dwelling unit	43,560 sq. ft.	<i>47,000 sq. ft.</i>
Maximum lot coverage	15%	20%
Minimum distance between Buildings on same lot	15'	15'
Required parking spaces per unit	2	2
Wall Height	6'	6'
Signage	32 sq. ft.	32 sq. ft.
Equestrian Arena Lighting	Max. 25' per Anthem Design Standards	25' Maximum

- e. Construction of a bridge will not be allowed over Skunk Creek Wash to bridge the development of this site into the interior roadway network of Anthem.

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- f. The equestrian facility will be for the use and benefit of the residents of Desert Hills Equestrian Estates only. A Special Use Permit will be required and approved by the Board of Supervisors if the facility is expanded beyond the use and benefit of the residents of Desert Hills Equestrian Estates.
- g. The private equestrian facility arena lights shall be shut off by 9:00 p.m.
- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1. Provide a total half-width of 65' right-of-way on Desert Hills Drive.
 - 2. Provide a total half-width of 40' right-of-way on 7th Avenue (total length).
 - 3. Construct ultimate half-width improvements, including pavement, curb and gutter, to perimeter roads (7th avenue and Desert Hills Drive).
- i. All trees shall be double-staked when installed.
- j. A continuous parapet shall screen all roof-mounted equipment.
- k. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted.
- l. All interior streets within the proposed development are to be constructed to minimum County standards.
- m. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- n. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- o. All development and engineering design shall be in conformance with the Drainage Regulations and current engineering policies, standards and best practices at the time of application for construction.
- p. Drainage review of planning and or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- q. The applicant or his successor shall obtain approval of any development plans from the Office of Arizona State Fire Marshal prior to any construction.
- r. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment

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from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- s. Prior to Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- t. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- u. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- v. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on the history of this rezoning case regarding an equestrian center, saying there had been significant opposition due to the location. The center has now been redesigned and the new location has been recommended for approval with the addition of two new stipulations "w" and "x" that he read into the record.

- w. The equestrian center shall be relocated as per the alternative design exhibit entitled, "Revised Equestrian Center Concept Plan", consisting of one (1) full size sheet prepared by Sonora West Development, dated revised March 3, 2008 and stamped received March 3, 2008. Technical review of the Final Plat may result in different subdivision layout due to a reduction in the number of lots, drainage and retention requirements, etc.
- x. The manure generated from the Desert Hills Equestrian Facility shall be stored within the northern portion of the area designated "Storage for feed, equipment, and shavings".

Discussion ensued on stipulation "x" with regards to scheduling removal of the manure collected at the facility, which was not stipulated to. Darren Gerard said it is customary to have it removed daily and stored with removal from the premises set once or twice a week. This will be addressed by the HOA and residents. Gratitude was expressed by all that a workable solution had been agreed to by all factions.

Because of the original opposition a roll call vote was generated. Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) with Supervisors Wilson, Stapley, Brock and Kunasek voting "aye" – Supervisor Wilcox was absent.

- 5. **Z2007-090 District 3**
 Applicant: Floyd & Josh Johnston for Floyd & Beth Johnston
 Location: East of New River Road on Mano Drive (New River/Desert Hills area)

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Request: Special Use Permit (SUP) for a Cottage Industry for construction and storage of playground equipment and associated materials in the Rural-43 zoning district (approximately 0.72 acres of a 4.8 acre site) – Johnston Cottage Industry

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2007-090, subject to stipulations "a" through "x". Commissioner Johnson seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Floyd Johnston Site Plan", consisting of 1 sheet, dated (revised) January 9, 2008, and stamped received January 18, 2008, except as modified by the following stipulations. Within thirty (30) days of BOS approval the applicant will submit two (2) copies of the site plan revising Note #6 to read "All new walls are not to exceed 6' height".
- b. Development of the site shall be in conformance with the 'Narrative Report (Special Use Permit) for Cottage Industry", consisting of six (6) sheets, dated (revised) January 7, 2008 and stamped received January 7, 2008, except as modified by the following stipulations.
- c. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for paving in the right-of-way. Driveways in county right-of-way must be paved.
- d. The site shall be in compliance with all criteria governing a Cottage Industry as described in the MCZO except as noted below.
- e. The hours of operation for the facility shall be limited to 7:00 a.m. to 3:30 p.m., Monday through Friday.
- f. The number of full-time employees shall not exceed three (3).
- g. The number of deliveries shall not exceed three (3) per week.
- h. There shall be no showroom for retail sales at this location. Marketing shall be offsite or through electronic mail and sales shall be limited to pick-up of merchandise only
- i. There shall be no off-site parking permitted for day to day operations of the facility.
- j. There shall be no outdoor storage of materials which exceed 6' (h). All outdoor storage materials must be placed so as to be screened by the 6' (h) block wall as reflected on the site plan.
- k. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- l. All HVAC units shall be ground-mounted.
- m. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire district. Prior to issuance of zoning clearance, the applicant shall seek review and

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comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- n. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- o. Within 30 days of approval of this Special Use Permit by the Board of Supervisors, the applicant shall prepare and submit an application for a grading permit and include an Engineered Grading and Drainage Plan to the Planning and Development Department for review and approval by the Drainage Review Division and the Flood Control District.
- p. Within 30 days of approval, the owner shall apply for as-built permits for the existing garage identified on the site plan. The site will be brought into compliance with current building code standards or this special use shall be revoked.
- q. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- r. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- s. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- t. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- u. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- v. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

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- w. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- x. The garage, workshop and CMU wall shall be painted to match the house color.

Darren Gerard said that any concerns with this case have been satisfied and the recommendation is for approval.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "x."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board